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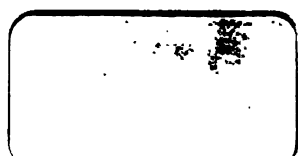
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**SESSION LAWS**  
**OF THE**  
**STATE OF WYOMING**  
**PASSED BY THE**  
**THIRTY-EIGHTH STATE LEGISLATURE**

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**CONVENED AT CHEYENNE JANUARY 12, A. D., 1965**  
**ADJOURNED FEBRUARY 20, A. D., 1965**

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**Compiled and Published Under Statutory Authority**

**by**

**THYRA THOMSON**  
**SECRETARY OF STATE**

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# Table of Laws

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Chapter	Page
1 EXPENSES OF LEGISLATURE—Appropriation .....	1
2 COUNTY JAIL CONSTRUCTION .....	1
3 FIRING AT OCCUPIED CONVEYANCES .....	2
4 MISCEGENATION LAW REPEALED .....	3
5 ADOPTION—Hearings .....	3
6 ABANDONED VEHICLES .....	4
7 HIGHWAY ABANDONMENT .....	4
8 DRAG RACING .....	6
9 LANDOWNER'S LIABILITY—Public Recreation Area .....	6
10 WATER RIGHTS .....	8
11 ADOPTION—Final Decrees .....	9
12 MOTOR VEHICLE REGISTRATION .....	10
13 CUTTING EARS OF SHEEP .....	10
14 PREDATORY DOGS .....	11
15 HAIL-CROP INSURANCE .....	11
16 MUNICIPAL PRIMARY ELECTIONS .....	12
17 EXTRA-HAZARDOUS OCCUPATIONS .....	13
18 WORKMEN'S COMPENSATION .....	14
19 HEALTH CERTIFICATE FOR BREEDING CATTLE .....	15
20 BOTTLE CLUBS .....	15
21 HOURS OF LIQUOR SALE .....	16
22 PRESERVATION OF COUNTY RECORDS .....	17
23 COUNTY LIBRARIES .....	18
24 MOTOR VEHICLE REGISTRATION .....	19
25 STUD TIRES .....	21
26 PARKING BRAKES .....	21
27 PERSONALTY IN TRANSIT .....	22

Chapter	Page
28 VETERANS' EXEMPTION CONTINGENT .....	22
29 CAPITOL BUILDING COMMISSION—Appropriation .....	23
30 COMMUNITY COLLEGE DISTRICTS .....	23
31 NONRESIDENT MOOSE PERMITS .....	26
32 RESIDENT MOUNTAIN SHEEP PERMITS .....	26
33 RESIDENT MOOSE PERMITS .....	26
34 LABOR, STATISTICS PUBLICATIONS .....	27
35 EMINENT DOMAIN .....	28
36 VENDING STANDS—Blind Preference .....	30
37 VENEREAL DISEASE REPORTS .....	31
38 WYOMING RETIREMENT SYSTEM .....	31
39 ADOPTION PETITION .....	32
40 ESTATES OF MINORS .....	33
41 WYOMING PEACE OFFICERS INDEMNITY FUND .....	34
42 STATE INSTITUTIONS WORKMEN'S COMPENSATION COVERAGE	34
43 LIVESTOCK—Brand Inspection—No. 1 .....	35
44 EDUCATION—Acceptance of Federal Funds .....	36
45 GAME AND FISH—Definitions .....	37
46 COMMUNITY COLLEGE DISTRICT ENLARGEMENT .....	38
47 UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT .....	39
48 COURT APPOINTED ATTORNEYS .....	41
49 DRIVE-IN LIQUOR STORES .....	42
50 SCHOOL BUSES—Warning Lights .....	42
51 ACCESS FACILITIES .....	43
52 MUZZLE LOADING RIFLES .....	44
53 INTERSTATE BUS REGISTRATION .....	44
54 UNIFORM TRUSTEES' POWERS ACT .....	47
55 PRIVATE MOTOR CARRIER .....	52

---

## TABLE OF LAWS

v

Chapter	Page
56 CASPER ARMORY SITE .....	52
57 TEACHER TRAINING SCHOLARSHIPS .....	53
58 HEALTH ADVISORY COUNCIL .....	54
59 CONDOMINIUM OWNERSHIP ACT .....	55
60 CALF INSPECTION .....	57
61 BRAND INSPECTION FEES .....	58
62 WATER WELL CONSTRUCTION .....	58
63 COMMUNITY COLLEGE COMMISSION—Appropriation .....	59
64 ETCHEVERY WATER APPROPRIATION .....	59
65 BAUMAN RANCH WATER APPROPRIATION .....	60
66 WEATHER MODIFICATION .....	61
67 PARENTAL RIGHTS .....	61
68 MUNICIPAL BUDGET ACT .....	62
69 SALES TAX DEFINITIONS .....	63
70 INTERSTATE LIBRARY COMPACT—No. 1 .....	64
71 TRAVEL EXPENSE—Jurors .....	69
72 WYOMING ACKNOWLEDGMENT ACT .....	69
73 PARENTAL TORT LIABILITY .....	71
74 PHYSICIAN'S WITNESS FEES .....	72
75 TRANSPORTATION OF INDUSTRIAL INSTITUTE INMATES .....	73
76 MOTOR CARRIERS REGISTRATION .....	73
77 STATE FUND DEPOSITORIES .....	78
78 WYOMING TRAVEL COMMISSION SALES .....	79
79 REVENUE DEPARTMENT JURISDICTION—Express Companies .....	80
80 GASOLINE TAX .....	81
81 UNIVERSITY OF WYOMING DORMITORY BONDS .....	82
82 WYOMING RETIREMENT SYSTEM—Coverage .....	89
83 WYOMING RETIREMENT SYSTEM—Contributions .....	90



Chapter	Page
84 STATE LIBRARY ADDITION .....	90
85 WYOMING STATE TRAINING SCHOOL—Assistant Superintendent ....	91
86 SOLDIERS' AND SAILORS' HOME—Chaplain .....	91
87 CAPITOL BUILDING COMMISSION .....	92
88 SEVENTY-FIFTH ANNIVERSARY COMMISSION .....	92
89 RAPE .....	93
90 PUBLIC WELFARE .....	93
91 GENERAL OBLIGATION PUBLIC SECURITIES—Refunding Law .....	98
92 1965 PUBLIC SECURITIES VALIDATION ACT .....	105
93 CHILD CARING FACILITIES .....	106
94 MINE INSPECTOR .....	108
95 CIGARETTE EXCISE TAX .....	108
96 GASOLINE TAX .....	109
97 MINIMUM WAGE .....	110
98 SHEEP BRAND INSPECTION .....	111
99 COMMUNITY MENTAL HEALTH CENTER .....	112
100 UNIVERSITY OF WYOMING CONSTRUCTION BONDS .....	113
101 COUNTY OFFICERS—Salaries .....	118
102 PSYCHOLOGISTS .....	120
103 BRAND RECORDING .....	127
104 FARM LOAN BOARD—Administrative Expenses .....	128
105 WORKMEN'S COMPENSATION—Administrative Expenses .....	128
106 COUNTY FEES .....	129
107 SAVINGS AND LOAN—Gifts to Minors .....	131
108 WYOMING ADMINISTRATIVE PROCEDURE ACT .....	131
109 DRIVERS' LICENSE FEES .....	141
110 PERMIT FOR TOWING VEHICLES .....	142
111 REVENUE DEPARTMENT—Operating Fund .....	142

## TABLE OF LAWS

vii

Chapter	Page
112 CITIES AND TOWNS CODE .....	143
113 WYOMING CAPITOL IMPROVEMENT FUND .....	295
114 FOUNDATION PROGRAM FUND .....	297
115 STATE OFFICERS—Salaries .....	298
116 GENERAL APPROPRIATION .....	321
117 STATE BANKS—Real Estate Loans .....	330
118 SALES TAX .....	331
119 USE TAX .....	340
120 COMMISSIONER OF PUBLIC LANDS .....	341
121 DRIVERS' LICENSES .....	342
122 JUDICIAL SEPARATION .....	344
123 PUBLIC SERVICE COMMISSION—Rate and Route Changes .....	345
124 TRANSMITTING UTILITY ACT .....	346
125 LIS PENDENS .....	347
126 RAILROAD RIGHTS-OF-WAY .....	347
127 BANKS—Capital Notes .....	348
128 MOTORS CARRIERS—Compensatory Fees .....	350
129 TRADEMARKS .....	354
130 LIQUOR IDENTIFICATION CARD .....	361
131 MEDICAL ASSISTANCE TO AGED .....	364
132 COMPLIMENTARY HUNTING AND FISHING LICENSES .....	365
133 FOREIGN BANKING CORPORATIONS .....	365
134 COMMISSIONER OF PUBLIC LANDS—Bond .....	366
135 GUARDIANSHIP .....	367
136 SUPPLEMENTAL SUPPLY WATER RIGHTS .....	372
137 UNDERGROUND WATER—Well Location .....	373
138 WATER RIGHTS—Change of Diversion Point .....	373
139 BOARD OF LAND COMMISSIONERS .....	375

Chapter	Page
140 WYOMING URBAN RENEWAL ACT .....	376
141 INSURANCE COMPANIES—Internal Organization .....	395
142 INSURANCE COMPANIES—Incorporation .....	396
143 FARM LOAN BOARD—Quorum .....	396
144 BOND ELECTIONS .....	397
145 MUNICIPAL BOND ELECTIONS .....	398
146 LIBRARY OF WATER RESOURCES .....	399
147 MILITARY FISHING LICENSES .....	399
148 SCHOOL TRUSTEES—May Retain Attorneys .....	400
149 BOUNDARY OF LINCOLN AND TETON COUNTIES .....	401
150 MINERAL LEASES .....	403
151 LIVESTOCK BRAND INSPECTION—No. 2 .....	405
152 PRISON SENTENCES .....	406
153 COUNTY SURVEYOR—Records .....	406
154 CAPITOL BUILDING COMMISSION—Purchase of Realty .....	407
155 COURT APPOINTED ATTORNEYS .....	408
156 FEDERAL RIGHTS-OF-WAY OVER STATE LAND .....	408
157 CHEYENNE RIVER COMPACT—Repeal .....	409
158 UNDERGROUND WATER—Use in Other States .....	409
159 STATUTES REVISION COMMISSION—Appropriation .....	410
160 WYOMING UNIFORM SECURITIES ACT .....	410
161 LIFE INSURANCE COMPANY STATEMENTS OF OWNERSHIP .....	437
162 STATE BOARD OF MEDICAL EXAMINERS .....	440
163 HIGHWAY PATROL EXPENSES .....	441
164 DISSOLUTION OF NON-PROFIT CORPORATIONS .....	441
165 ASSAULT WITH DANGEROUS WEAPON .....	442
166 WYOMING BAR ASSOCIATION FEES .....	442
167 REMOVAL OF MORTGAGED PROPERTY .....	443

## TABLE OF LAWS

ix

Chapter	Page
168 WATER COMMISSIONERS .....	444
169 STATUTES REVISION COMMISSION—Compensation .....	445
170 WYOMING FAIR EMPLOYMENT COMMISSION .....	445
171 LEAVES OF ABSENCE FOR MILITARY SERVICE .....	450
172 INSURANCE AGENTS AND BROKERS .....	452
173 OUTDOOR RECREATION .....	455
174 STATE OIL AND GAS SUPERVISOR .....	457
175 OIL AND GAS CONSERVATION COMMISSION .....	459
176 MEDICAL LICENSE .....	461
177 INTERSTATE STREAMS COMMISSIONERS .....	462
178 STATE ENGINEER—Fees .....	464
179 WYOMING COMPILATION COMMISSION .....	465
180 WATER RIGHTS—Proof of Appropriation .....	467
181 INTERSTATE LIBRARY COMPACT—No. 2 .....	468
182 JURISDICTION OF POLE MOUNTAIN .....	473
183 BOARD OF CONTROL—Underground Water Rights .....	474
184 GAME AND FISH LICENSES .....	474
185 CRUELTY TO ANIMALS .....	477
186 WYOMING UNEMPLOYMENT COMPENSATION FUND .....	480
187 LIMITED POWER OF ATTORNEY .....	481
188 SCHOOL DISTRICTS—Mill Levy .....	485
189 SCHOOL DISTRICT RESOURCES .....	487
190 SCHOOL INTERIM FINANCING .....	487
191 INTERSTATE COMPACT ON JUVENILES .....	490
192 COMMUNITY COLLEGE DISTRICT BOARD ELECTION .....	498
193 WORKMEN'S COMPENSATION .....	498
194 MINERAL LEASES—Farm Loan Board Controlled Property .....	506
195 WYOMING STATUTES REVISION COMMISSION .....	507
196 PLATS OF SUB-DIVISIONS .....	508
197 FIRE DEPARTMENT COLLECTIVE BARGAINING .....	508

## TABLE OF LAWS

## RESOLUTIONS AND MEMORIALS

	Page
ORIGINAL SENATE JOINT MEMORIAL NO. 1—A JOINT MEMORIAL, memorializing the Congress of the United States with reference to the scenic road from Rawlins, Wyoming, to the Little Snake River Valley in Carbon County, Wyoming. ....	510
ORIGINAL SENATE JOINT MEMORIAL NO. 2—A JOINT MEMORIAL, memorializing the Honorable LeRoy Christinck, late a Senator from Campbell County in the Legislature of the State of Wyoming, expressing deep appreciation for his distinguished service to his county and the state. ....	511
ORIGINAL SENATE JOINT MEMORIAL NO. 4—A JOINT MEMORIAL, memorializing the Postmaster General of the United States and the Congressional Delegation of the State of Wyoming in connection with the issuance of a postage stamp commemorating Wyoming's 75th Anniversary. ....	512
ORIGINAL SENATE JOINT MEMORIAL No. 5—A JOINT MEMORIAL, memorializing the Postmaster General of the United States and the Congressional Delegation of the State of Wyoming in favor of the issuance of a postage stamp commemorating Grand Teton National Park. ....	512
ORIGINAL SENATE JOINT MEMORIAL NO. 6—A JOINT MEMORIAL, memorializing the late T. Joe Cahill, beloved citizen of Wyoming, expressing the warmth of our affection and the depth of our bereavement on behalf of all the citizens of Wyoming. ....	513
ORIGINAL HOUSE JOINT MEMORIAL NO. 5—A JOINT MEMORIAL, memorializing the members of the Wind River Mountain Men of Fremont County, expressing sincere appreciation for their service in publicizing and promoting the 75th anniversary of Wyoming Statehood. ....	514
ORIGINAL HOUSE JOINT MEMORIAL NO. 6—A JOINT MEMORIAL, memorializing the Honorable Harry Clissold, Mayor of Jackson, Wyoming, and recognizing his distinguished service to his state and community. ....	515
ORIGINAL HOUSE JOINT MEMORIAL NO. 7—A JOINT MEMORIAL, memorializing the Right Honorable Sir Winston Churchill, late, former Prime Minister of Great Britain and Northern Ireland, member of the House of Commons and an honorary citizen of the United States of America, expressing deep appreciation and permitting the proper discharge of our debt of public gratitude and contributing to the national sorrow on behalf of all the citizens of the State of Wyoming. ....	516
ORIGINAL HOUSE JOINT MEMORIAL NO. 9—A JOINT MEMORIAL, memorializing the Congress of the United States of America with reference to the opposition of the people of the State of Wyoming to the announced closing of the Veterans Administration offices at Cheyenne, Wyoming and the transfer of the functions of such office elsewhere. ....	517



## TABLE OF LAWS

xi

### Page

<b>ORIGINAL HOUSE JOINT MEMORIAL NO. 10—A JOINT MEMORIAL,</b> memorializing the one hundredth anniversary of the heroic death of first Lt. Caspar Collins, a member of the 11th Ohio Volunteer Cavalry, who was killed by hostile Indians, July 26, 1865, at the Battle of Platte Bridge Station, later renamed Fort Caspar by the War Department in his honor, Twenty-five years before his name was perpetuated as the name of the city of Casper. ....	517
<b>ORIGINAL SENATE JOINT RESOLUTION NO. 1—A JOINT RESOLU-</b> <b>TION</b> proposing an amendment to the Constitution of the State of Wyo- ming by amending Section 1 of Article 5 thereof, relating to the estab- lishment of courts of the judicial system of Wyoming, so as to permit the legislature to establish subordinate courts by general law, and repealing Sections 22 and 23 of Article 5, and Section 5 of Article 19 thereof, relating to justices of the peace, courts of arbitration and courts for incorporated cities or towns; and providing for the continued effect of existing statutes enacted pursuant to the amended and repealed pro- visions hereof. ....	518
<b>ORIGINAL SENATE JOINT RESOLUTION NO. 5—A JOINT RESOLU-</b> <b>TION</b> proposing an amendment to the Constitution of the State of Wyo- ming, by amending Section 38, Article 3 thereof, relating to the invest- ment of trust funds, and providing that the legislature may provide by law for the investment of trust funds. ....	519
<b>ORIGINAL SENATE JOINT RESOLUTION NO. 10—A JOINT RESOLU-</b> <b>TION</b> proposing an amendment to the Constitution of the State of Wyo- ming relating to a twelve mill county levy for support and maintenance of public schools. ....	520
<b>ORIGINAL HOUSE JOINT RESOLUTION NO. 2—A JOINT RESOLU-</b> <b>TION</b> , proposing an amendment to the Constitution of the State of Wyo- ming by amending Section 48, Article III, relating to the repeal of the provision for a State Census and repealing the requirement that the legislature be apportioned pursuant to State Census. ....	520
<b>ORIGINAL HOUSE JOINT RESOLUTION NO. 4—A JOINT RESOLU-</b> <b>TION</b> , proposing an amendment to the Constitution of the State of Wyo- ming by amending Section 49, Article III, relating to designation of Con- gressional Districts. ....	521
<b>ORIGINAL HOUSE JOINT RESOLUTION NO. 6—A JOINT RESOLU-</b> <b>TION</b> proposing an amendment to the Constitution of the State of Wyo- ming by amending Section 5 of Article 15 thereof, relating to the maxi- mum mill levy for county revenue. ....	522



# **LAWS**

of

## **The State of Wyoming**

Passed by the

### **Thirty-eighth State Legislature**

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#### **CHAPTER 1**

Original House Bill No. 1

##### **APPROPRIATION FOR EXPENSES OF LEGISLATURE**

AN ACT making an emergency appropriation for expenses of the Thirty-Eighth Legislature of the State of Wyoming, and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

##### **Legislative Expenses**

**Section 1.** There is hereby appropriated out of any funds in the State Treasury of the State of Wyoming, not otherwise appropriated, the sum of Two Hundred Thirty Seven Thousand Dollars (\$237,000), or so much thereof as may be necessary, to pay the expenses of the Thirty-Eighth Legislature of the State of Wyoming.

**Section 2.** Whereas an emergency exists, this Act shall take effect and be in force immediately upon its enactment.

Approved January 14, 1965.

#### **CHAPTER 2**

Original House Bill No. 13

##### **COUNTY JAIL CONSTRUCTION**

AN ACT to amend and re-enact Section 18-292, Wyoming Statutes 1957, relating to the construction of county jails; providing for an exception thereto; ratifying elections, acts and proceedings relating to construction of county jails; and to provide an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Construction of Jails—Authority of County Commissioners; Plans and Specifications; Maximum Cost Permitted; Call for Bids; Limitations; Former Elections and Proceedings Validated**

That Section 18-292, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(a) Whenever the board of county commissioners of any organized county in this state, shall deem it for the best interest of such county to have a jail constructed therein, they shall cause plans and specifications therefor to be prepared by some competent architect, for a jail, to cost not more in any case than Two Hundred Thousand Dollars (\$200,000); and after such plans and specifications are prepared, and adopted by the board of county commissioners, they shall deposit the same in the office of the county clerk for the county, where such plans and specifications shall be open and free to the inspection of any and all persons; and such board of county commissioners shall give notice that they will receive sealed proposals for the building of such jail, according to such plans and specifications, by publication in a newspaper once each week for four consecutive weeks in any newspaper published within the county, if there be one; if not, then they shall cause at least five such notices to be posted in as many of the most public places of the county; such notices shall be to the effect that the commissioners will, until a day specified therein, not less than thirty days from publication of said notice, receive sealed proposals for the building of such jail, in whole or in parts, as to them shall seem to be for the best interests of the county. Proposals shall be handed to the county clerk for the county, in and for which such work is to be performed.

(b) Provided further, that this Section shall apply only in the event that the cost of the construction of the jail is to be paid from the general fund of the county, and in the event that bonds are to be issued pursuant to Section 18-245, Wyoming Statutes 1957, then the above limitations shall not apply.

(c) All elections heretofore held and all Acts and proceedings heretofore had or taken by or on behalf of any county in this state preliminary to and in the authorization of any bonds of said county heretofore issued or to be hereafter issued for the purpose of providing means for the construction of a jail, with necessary furnishings and equipment, or for similar jail purposes, are hereby validated, ratified, approved and confirmed, notwithstanding any limitation, other than any constitutional limitation, on the amount of such bonds contained in any statute of this state and notwithstanding any other defect or irregularity in such election, Act and proceedings.

(d) This Act is in force from and after its passage.

Approved January 26, 1965.

### CHAPTER 3

Original House Bill No. 41

#### FIRING AT OCCUPIED CONVEYANCE

AN ACT making it unlawful for any person purposely or maliciously, or while engaged in the commission of any criminal offense, to fire or discharge a weapon at any aircraft, automobile, truck, bus, train, or other means of transportation while occupied by any person or persons, providing a penalty for a violation thereof.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Firing at Occupied Conveyances Prohibited; Penalty**

**Section 1.** Whoever, purposely or maliciously, or while engaged in the perpetration of any criminal offense against the laws of the State of Wyoming, shall fire or discharge any weapon or missile at or toward any aircraft, automobile, truck, bus, train, or other means of transportation while occupied by any person or persons, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not more than one (1) year or by a fine of not more than One Thousand Dollars (\$1,000) or by both such fine and imprisonment.

Approved January 27, 1965.

**CHAPTER 4**

Original House Bill No. 15

**MISCEGENATION LAW REPEALED**

AN ACT repealing Section 20-18, Wyoming Statutes 1957, relating to the prohibition of intermarriage of certain races; and repealing Section 20-19, Wyoming Statutes 1957, relating to the penalty for the violation of Section 20-18, Wyoming Statutes 1957.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Prohibition of Interracial Marriages Repealed**

**Section 1.** That Section 20-18, and Section 20-19, Wyoming Statutes 1957, are hereby repealed.

Approved January 27, 1965.

**CHAPTER 5**

Original House Bill No. 19

**ADOPTION**

AN ACT to amend and re-enact Section 6, Chapter 59, Session Laws of Wyoming 1963, providing that the natural parents in an adoption proceeding need not appear at the hearing if they have consented to the adoption or been judicially deprived of parental rights.

*Be It Enacted by the Legislature of the State of Wyoming:*

**When Petition is to be Filed; Hearing; When Natural Parents Need Not Appear**

**Section 1.** That Section 6, Chapter 59, Session Laws of Wyoming 1963, be amended and re-enacted to read as follows:

A petition for adoption of a minor child shall be filed upon the



entry of the child in the adoptive home or as soon thereafter as is reasonably convenient. When a petition is filed and presented to the district judge, praying for the adoption of a child or children, the judge shall by written order set the petition for hearing, and require parents who have not given written consent or who have not been judicially deprived of parental rights, to appear on the day set and show cause why such petition should not be granted and an interlocutory order of adoption be entered thereon. A parent who is a minor shall have the right to relinquish his or her child for adoption and to consent to such adoption, and such relinquishment and consent shall not be subject to revocation by reason of such minority alone.

Approved January 27, 1965.

## CHAPTER 6

Original House Bill No. 21

### ABANDONED VEHICLES

AN ACT to amend and re-enact Section 8, Chapter 115, Session Laws of Wyoming 1963, relating to the time in which the owner of an abandoned vehicle may claim such vehicle and directing payment of all proceeds resulting from the sale of unclaimed abandoned vehicles to the County Treasurer in whose county such abandoned vehicle was sold.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Former Owner May Recover Sale Proceeds; Disposition of Unclaimed Funds**

**Section 1.** That Section 8, Chapter 115, Session Laws of Wyoming 1963, be amended and re-enacted to read as follows:

At any time within one year after the sale of a vehicle the former owner of the vehicle may recover, out of the Abandoned Vehicle Account, the proceeds transmitted by the Sheriff to the County Treasurer by filing a claim with the County Treasurer. Upon proper proof of ownership, the County Treasurer shall issue a check and charge the Abandoned Vehicle Account with said amount in favor of such claimant for the amount which was paid into the County Treasury. If no claim is made by the owner within one year after the date of sale, such proceeds shall be credited to the general fund of the County Treasurer as a recovery and the owner shall be precluded from any claim to such proceeds.

Approved January 28, 1965.

## CHAPTER 7

Original House Bill No. 48

### HIGHWAY ABANDONMENT

AN ACT to amend and re-enact Section 1, Chapter 160, Session Laws of Wyoming 1959, relating to the abandonment or relinquishment of portions of state highways whereby title reverts to the adjacent landowners or vests

in either a county or city upon its adoption of an ordinance or resolution to that effect.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Abandonment Proceeding; Resolution; Recordation; Easements;  
Relinquishment to County, City; Procedure**

**Section 1.** That Section 1, Chapter 160, Session Laws of Wyoming 1959, be amended and re-enacted to read as follows:

(a) The State Highway Commission shall have the authority to abandon or relinquish any portion or portions of state highways upon the reconstruction or relocation of any portion or portions of an existing state highway. The abandonment or relinquishment of said portion or portions of state highways shall be conclusively evidenced by the resolution duly entered in the minute record of the said commission. A certified copy of such resolution shall be recorded by the Secretary of the State Highway Commission in the office of the county clerk of the county or counties in which such abandoned or relinquished highway right-of-way is located. Such abandonment or relinquishment shall not affect the rights of corporations or their successors in interest, acquired under the provisions of Section 1-791, Wyoming Statutes 1957, to continue the operation and maintenance of transmission and distribution lines constructed upon such right-of-way and shall not affect the rights of any corporation or successors in interest to continue to maintain any pipe line lawfully in the highway right-of-way at the time of such abandonment or relinquishment, and such corporations shall have the right to go upon said lands for such purposes. Upon the entry of the resolution of the abandonment or relinquishment of any portion or portions of an existing state highway in the minute record of the commission, all title and interest, except as herein provided, to the highway right-of-way shall pass to and vest in the present adjacent landowner, or landowners according to the portion contributed by each adjacent landowner or his predecessors in interest.

(b) In lieu of abandonment, the State Highway Commission may, upon request therefor, relinquish to any county or city any portion of a state highway within such county or city which is proposed to be removed from the state highway system. Such request shall be in the form of a resolution adopted by the governing body of such county or city, as the case may be, indicating that the portion or portions of the state highway sought to be incorporated within the local road, street or highway system would be a necessary or desirable extension of such system, and further, expressing the agreement of such county or city to assume all responsibility with regard to repair, service and maintenance of such road. Relinquishment by the State Highway Commission shall be by quit-claim deed effective upon recordation in the office of the County Clerk and recorder of the county in which the state highway is located.

Approved January 29, 1965.

**CHAPTER 8**

Original House Bill No. 47

**DRAG RACING**

AN ACT relating to motor vehicle speed or acceleration contests on highways; providing for a penalty; and repealing Chapter 32, Session Laws of Wyoming 1963, pertaining to motor vehicle speed or acceleration contests on highways.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Drag Racing, Obstructing Highways Prohibited; Penalty**

**Section 1.** (a) No person shall engage in any motor vehicle speed or acceleration contest, or exhibition of speed or acceleration on any highway without approval of such use by the governing body in charge of said highway. No person shall aid or abet in any such motor vehicle speed or acceleration contest or exhibition on any highway, without approval of such use by the governing body in charge of said highway.

(b) No person shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed or acceleration contest upon a highway, in any manner obstruct or place or assist in placing any barricade or obstruction upon any highway without approval of such use by the governing body in charge of said highway.

(c) Any person who violates this Section shall upon conviction be fined not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100), or by imprisonment in the county jail for not more than ten (10) days or both.

**Section Repealed.**

**Section 2.** Chapter 32, Session Laws of Wyoming 1963, pertaining to motor vehicle speed or acceleration contests on highways is hereby repealed.

Approved January 29, 1965.

**CHAPTER 9**

Original House Bill No. 7

**LANDOWNER'S LIABILITY—PUBLIC RECREATION AREAS**

AN ACT to encourage landowners to make land and water areas available to the public by limiting liability in connection therewith.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Definitions**

**Section 1.** As used in this Act:

(a) "Land" means land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty.

(b) "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.

(c) "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites.

(d) "Charge" means the admission price or fee asked in return for invitation or permission to enter or go upon the land.

#### **Landowner's Duty of Care or to Warn**

**Section 2.** Except as specifically recognized by or provided in Section 5 of this Act, an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

#### **Limitations on Landowner's Liability**

**Section 3.** Except as specifically recognized by or provided in Section 5 of this Act, an owner of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

(a) Extend any assurance that the premises are safe for any purpose.

(b) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.

(c) Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons.

#### **Duty Extends to Leased Land**

**Section 4.** Unless otherwise agreed in writing, the provisions of Sections 2 and 3 of this Act shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof for recreational purposes.

#### **Where Liability Remains**

**Section 5.** Nothing in this Act limits in any way any liability which otherwise exists:

(a) For willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

(b) For injury suffered in any case where the owner of land charges the person or persons who enter or go on the land for the recreational use thereof, except that in the case of land leased to the state or a subdivision thereof, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of this section.

#### **Further Limitations**

**Section 6.** Nothing in this Act shall be construed to:

(a) Create a duty of care or ground of liability for injury to persons or property.

(b) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this Act to exercise care in his use of such land and in his activities thereon, or from the legal consequences of failure to employ such care.

Approved January 29, 1965.

## CHAPTER 10

Original House Bill No. 34

### WATER RIGHTS

AN ACT amending and re-enacting Sections 41-42 and 41-43, Wyoming Statutes 1957, relating to exchange of stored water for natural flow of a stream in order to permit such exchanges for industrial and municipal purposes as well as for irrigation purposes.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Exchange of Stored Water for Flow of Stream; When Permitted

Section 1. That Section 41-42, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

Any person, persons, association or corporation, owning or in possession of lands susceptible of irrigation from any stream, or owning a water right for industrial or municipal purposes from any stream, the waters of which are so diminished by prior appropriations that a sufficient amount of water for the irrigation of their lands, or for such industrial or municipal purposes, cannot be obtained from the natural flow of the stream, who shall construct a reservoir, or shall purchase or lease water from a reservoir owned by another, or shall otherwise acquire an interest in such reservoir, or in water stored therein, which is so located that because of natural or other obstacles the water impounded therein cannot be conducted to the lands which they desire to irrigate, or cannot be conducted to the place of such industrial or municipal use, may, provided the stored water can be discharged into the stream in such a manner that it can be used beneficially by prior appropriators, divert the natural flow of the stream for the irrigation of their lands, or for such industrial or municipal purposes, in lieu of an equal amount of stored water, provided, however, that such exchange can be made without injury to said prior appropriators.

#### Procedure for Exchange

Section 2. That Section 41-43, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

Any person, persons, association or corporation desiring to avail themselves of the provisions of the preceding section (Section 41-42) shall file maps and application for permit with the State Engineer

as provided in Sections 41-201 to 41-210, inclusive, and Section 41-216, Wyoming Statutes 1957; such application shall be in the form of an application for a secondary permit as provided in Section 41-27, Wyoming Statutes 1957; it shall state that the source of the appropriation is the natural flow of the stream in lieu of an equal amount of stored water from the reservoir in question, and shall describe the land upon which such exchange water will be used, or the industrial or municipal purpose for which such exchange water will be used. The accompanying map shall show the ditch or ditches or other means of conveyance through which the natural flow of the stream is to be conveyed, the lands to be irrigated thereunder, or the place of the industrial or municipal use of such water, the point at which the stored water will be discharged into the stream and all other ditches or other means of diversion taking water from the stream between the ditch or ditches or other means of diversion taking such exchanged water from the stream and the point at which the stored water is discharged into the stream.

Approved January 29, 1965.

## CHAPTER 11

Original House Bill No. 80

### ADOPTION—FINAL DECREES

AN ACT amending and re-enacting subsection (b), Section 13, Chapter 59, Session Laws of Wyoming 1963, relating to hearings upon application for final decrees of adoption and entry of final decrees or orders as to custody; declaring an emergency exists and providing the bill will be effective upon passage.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Hearing; Decree, Order

**Section 1.** That subsection (b), Section 13, Chapter 59, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

(b) At the hearing on said application the petitioners and the child shall appear unless their presence is waived by the Court. At such time the Court may enter a final decree of adoption if satisfied that the adoption is for the best interests of the child. If the adoption is denied, an appropriate order shall be made as to the future custody of the child.

**Section 2.** Whereas an emergency exists, this Act shall be in full force and effect from and after its passage and approval.

Approved January 29, 1965.

**CHAPTER 12**

Original House Bill No. 26

**MOTOR VEHICLE REGISTRATION**

AN ACT to amend and re-enact Section 31-22, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 12, Session Laws of Wyoming 1963, relating to the expiration and renewal of motor vehicle registrations and the use of license plates, including dealer license plates, in the next succeeding year.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Expiration; Renewal; Use of License Plates in Succeeding Year**

**Section 1.** That Section 31-22, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 12, Sessions Laws of Wyoming 1963, is amended and re-enacted to read as follows:

All registrations under this Act shall expire on December 31st of each year, and shall be renewed annually and in the same manner and upon the payment of the same fees as provided in this Act for original registration, such renewals to take effect on the first day of January of each year; provided that the use of license plates, including dealer license plates, issued during any calendar year is hereby authorized and legalized until and including the last day of February of the next succeeding year.

Approved January 29, 1965.

**CHAPTER 13**

Original House Bill No. 3

**CUTTING EARS OF SHEEP**

AN ACT declaring it to be unlawful for any person to cut, sever, detach or mutilate more than one-half ( $\frac{1}{2}$ ) of the ear or ears of any sheep or to have in his possession or control any sheep which have more than one-half ( $\frac{1}{2}$ ) of the ear or ears removed; providing for exceptions; and providing a penalty.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Unlawful Cutting Described; Exceptions**

**Section 1.** It shall be unlawful for any person willfully to cut, sever, detach or mutilate more than one-half ( $\frac{1}{2}$ ) of either ear of any sheep or to unlawfully have in his possession or under his control any sheep which have more than one-half ( $\frac{1}{2}$ ) of either ear removed or mutilated unless the same are so described in a bill of sale or other certificate of title covering such sheep, provided that sheep afflicted by bighead shall be exempt from the provisions of this Act.

**Penalty**

**Section 2.** Any person who shall violate the provisions of this Act shall be guilty of a felony and, upon conviction, shall be imprisoned in the penitentiary for a term not to exceed five (5) years.

Approved February 1, 1965.

**CHAPTER 14**

Original House Bill No. 8

**PREDATORY DOGS**

AN ACT to amend and re-enact Section 11-582, Wyoming Statutes 1957, providing for the killing of predatory dogs.

*Be It Enacted by the Legislature of the State of Wyoming:*

**When Dogs May be Killed; Liability to Owner; Exception**

**Section 1.** That Section 11-582, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Dogs running live stock against the wish of the owner of such live stock, may be killed at once in cases where the live stock has been injured or is threatened with injury thereby; and the person killing any such dog shall not be liable to the owner thereof where the vicious character of the dog, or the damage or danger of damage, is shown; provided, however, that when live stock is trespassing upon property, the owner thereof may use dogs to drive and keep off live stock from said property.

Approved February 1, 1965.

**CHAPTER 15**

Original House Bill No. 83

**HAIL-CROP INSURANCE**

AN ACT to amend and re-enact Section 1, Chapter 8, Session Laws of Wyoming 1963, relating to a cash or safe securities deposit required of every firm, corporation, mutual association or company selling hail-crop insurance within the State. Providing for certain requirements for reinsurance companies, providing for suspension of licenses and a criminal penalty upon violation of the Act, and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Deposit with Insurance Commissioner; Reinsurance; Qualifications**

**Section 1.** That Section 1, Chapter 8, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

(a) Every firm, corporation, and mutual association or company engaged in the business of selling hail-crop insurance within the State of Wyoming shall, before conducting such insurance business, provide, have, and maintain on deposit with the insurance commissioner of the state at least One Hundred Thousand Dollars (\$100,000) in cash or safe securities to be approved by the insurance commissioner, and to be held by said officer for the protection of all the policy holders of such insurance, provided, in lieu of the cash or securities deposit required hereunder such insurer may, upon approval of the insurance commissioner, file and maintain a reinsurance treaty covering all hail-crop insurance which may be sold within the state.



(b) All such reinsurance agreements shall be issued by a company which has been classified by the insurance commissioner as a qualified admitted or non-admitted reinsurance carrier, and the terms of the reinsurance agreement shall be such that the full one-hundred per cent (100%) payment of all payable losses covered by the crop-hail insurer is assured without payment by the reinsurance carrier being conditioned upon the assessment of policyholders by the crop-hail insurer.

#### **Certificate of Authority, Conditions; Penalty**

**Section 2.** No certificate of authority shall be issued by the insurance commissioner to any crop-hail insurer until the said deposit or reinsurance agreement is approved by the commissioner. Any insurer selling crop-hail insurance in violation of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof may have its certificate of authority suspended by the insurance commissioner for not more than one year and may be fined not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) by the court for each violation or both.

**Section 3.** That this Act shall take effect from and after its passage.

Approved February 1, 1965.

### **CHAPTER 16**

Original Senate File No. 8

#### **MUNICIPAL PRIMARY ELECTIONS**

AN ACT to amend and re-enact Section 175, Chapter 235, Session Laws of Wyoming, 1961, relating to the municipal primary election, providing for a change in the dates for filing petitions of nomination.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Petition for Nomination; Form; Filing Fee**

**Section 1.** Section 175, Chapter 235, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

Not more than ninety (90) days nor less than forty (40) days preceding the municipal primary election, any person desiring to become a candidate for mayor or councilman shall sign and file with the City Clerk a petition in substantially the following form:

State of Wyoming	} ss.
County of .....	

I, ....., the undersigned, a qualified elector of Election District No. ...., Precinct No. ...., in Ward No. ...., in the City of ....., County of ....., and State of Wyoming, do

hereby petition and request that my name be printed upon the Official Municipal Primary Ballot at the Primary election next ensuing, as a candidate for the office of .....  
And I hereby declare that if nominated and elected I will qualify as such officer.

-----  
(Signature of Candidate)

Such petition shall be accompanied, at the time of filing, by a fee of ten dollars (\$10.00), which shall be paid into the City Treasury. No further requirement shall be necessary for any person desiring to become a candidate for mayor or councilman to have his name printed on the Official Municipal Primary Ballot.

Approved February 1, 1965.

## CHAPTER 17

Original Senate File No. 44

### EXTRA-HAZARDOUS OCCUPATIONS

AN ACT to amend and re-enact Sub-section (A) of Section 27-57, Wyoming Statutes, 1957, as amended and re-enacted by Section 1, Chapter 168, Session Laws of Wyoming, 1963, to include certain employees of the Wyoming Aeronautics Commission as being in extra-hazardous occupations.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Extra-Hazardous Occupations Enumerated

**Section 1.** That Sub-section (A) of Section 27-57, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 168, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

The extra-hazardous occupations to which this Act is also applicable are as follows: City or town firemen, policemen, and other clerical and office employees who, by the nature and duties of their work, may be exposed to risks of extra-hazardous activities and who are so reported on the payroll of such city or town, members of the state highway patrol while engaged in the performance of their duties, the assessment therefor to be paid out of the state highway fund; driver license examiners and field supervisors of the motor vehicle department having law enforcement commissions, the assessment therefor to be paid from department of revenue income funds; aircraft pilots of the Wyoming Aeronautics Commission while in the performance of such duty, the assessment therefor to be paid from the Wyoming Aeronautics Commission contingent fund; sanitary engineers and sanitarians of the Wyoming public health department; public health nurses and public school nurses; county trappers under the supervision of the United States fish and wildlife service, when paid out of funds of the predatory animal board of the individual counties, the assessment to be taken out of the predatory animal fund in each county; superintendents, supervisors and attendants employed at the Wyoming state training school at Lander, Wyoming,

the Wyoming girl's school at Sheridan, Wyoming, the Wyoming state hospital at Evanston, Wyoming, the Wyoming tuberculosis sanatorium at Basin, Wyoming, the Wyoming state children's home at Casper, Wyoming, the Wyoming soldier's home at Buffalo, Wyoming, the Wyoming pioneer home at Thermopolis, Wyoming, and the Hot Springs state park at Thermopolis, Wyoming, and casual employees engaged in fighting forest or grass fires when employed by a county, city or town.

Approved February 1, 1965.

## CHAPTER 18

Original Senate File No. 42

### WORKMEN'S COMPENSATION

AN ACT to amend and re-enact Section 27-56, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 25, Session Laws of Wyoming 1963, relating to extra-hazardous occupations covered by the Workmen's Compensation Law; providing additions and exceptions thereto.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Extra-Hazardous Occupations

Section 1. That Section 27-56, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 25, Session Laws of Wyoming, 1963, to read as follows:

The extra-hazardous occupations to which this Act is applicable are as follows: factories; garages; mill; printing plant and workshops where machinery is used; foundaries, blast furnaces; mines; oil, gas, water and other types of wells; shafts or holes; oil refineries; butane, propane, gasoline and other commercial gas or oil filling stations and bulk stations; gas works; natural gas plants; water works; reduction works; breweries; distillers; elevators; dredges; excavations; transfer companies; teaming and truck driving, except in connection with ranching, agriculture and livestock; motor delivery, including drivers and helpers in connection with any occupation except agriculture or ranching; warehousing and transfer; wholesale grocery and vegetable warehouses; fruit warehouses and packing houses; stock yards; ditch rider, watermaster and superintendent of irrigation districts; smelters; powder works; laundries operated by power; kitchen employees and waiters; bakeries; bartender; quarries; engineering works; logging yards; lumbering and sawmill operations; dude ranching; power farming; building service; hospital personnel—being all persons employed for compensation by hospitals, except those persons employed solely in a clerical or managerial capacity; professional nurse employees, excepting private duty nurses; street and inter-urban railroads not engaged in interstate commerce; buildings being constructed, repaired, moved or demolished; painting operations; telephone; telegraph; electric light or power plants or lines; steam heating or power plants; railroads not engaged in interstate commerce; aircraft pilots and flight personnel employed by domestic aircraft firms in the

performance of said firms usual trade or business, not engaged in scheduled interstate traffic, and where such pilots and flight personnel are residents of and domiciled in this State; licensed operators or their apprentices, of any government licensed commercial broadcasting or television station; butcher shops, meat markets; bowling alleys; driver of bus lines or stage line, which bus or stage lines are wholly intra-state in their operations, including, however, all drivers, mechanics and maintenance workers on bus or stage lines engaged in part in intrastate and part in interstate operations where such workers are residents of and domiciled in this state; bridge building; workers at missile bases or other defense facilities not in the employ of the Federal Government; and all employments wherein a process requiring the use of any dangerous explosives or inflammable materials is carried on, which is conducted for the purpose of business, trade, or gain.

Approved February 1, 1965.

## CHAPTER 19

Original Senate File No. 34

### HEALTH CERTIFICATE FOR BREEDING CATTLE

AN ACT amending and re-enacting Section 1, Chapter 60, Session Laws of Wyoming 1963, relating to the requirement of brucellosis tests of breeding cattle and buffalo entering Wyoming, providing exceptions to this requirement.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Breeding Cattle, Buffalo to have Brucellosis Test; Exemption

**Section 1.** That Section 1, Chapter 60, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

All breeding cattle and buffalo entering the State of Wyoming shall be accompanied by a proper health certificate showing evidence of a negative blood test for brucellosis made within thirty days prior to entry, or evidence of being officially vaccinated by a licensed veterinarian during calfhooed against brucellosis. Provided, however, that breeding cattle and buffalo originating from modified certified brucellosis areas, certified brucellosis free areas and from certified brucellosis free herds entering the State of Wyoming may be exempt from this Act, but must be accompanied by a proper health certificate.

Approved February 1, 1965.

## CHAPTER 20

Original House Bill No. 99

### BOTTLE CLUBS

AN ACT defining "bottle club"; declaring that the operation of a bottle club is a misdemeanor, and providing penalties; and providing for exceptions.

*Be It Enacted by the Legislature of the State of Wyoming:*

### **Definition**

**Section 1.** A "bottle club" is an operation or enterprise whereby space is given or rented to any person, firm, association or corporation upon the club premises for the keeping or storage of alcoholic or malt beverages, for consumption upon the club premises, or in other rooms nearby used for consumption by the owner of the beverages or guests; the income, profits or fees of the operator of the bottle club being secured from sales or furnishing mixes, ice, food or glasses or from dues, charges, contributions, membership cards or assessments.

### **Bottle Clubs Prohibited; Penalty**

**Section 2.** It shall be unlawful to operate a bottle club in the State of Wyoming and any person, persons, partnership, firm, association or corporation which shall operate a bottle club shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than One Hundred Dollars (\$100) for each offense. Each day of operation shall be deemed a separate offense.

### **Exceptions**

**Section 3.** This Act shall not apply to any person, firm, association or corporation lawfully licensed under the liquor laws of the State of Wyoming.

Approval February 1, 1965.

## **CHAPTER 21**

Original House Bill No. 79

### **HOURS OF LIQUOR SALE**

AN ACT to amend and re-enact Section 12-19, Wyoming Statutes 1957, relating to the hours of sale of alcoholic and malt beverages by holders of retail licenses and holders of limited retail licenses.

*Be It Enacted by the Legislature of the State of Wyoming:*

### **Limited Retail Dispensing Room Hours; Exception for Sunday, Annual Four Day Period**

**Section 1.** That Section 12-19, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

All persons licensed under this Act except clubs and trains holding a limited retail license shall close the dispensing room and cease the sale of both alcoholic and malt liquors promptly at the hour of two o'clock a.m. each day and keep the same closed until six o'clock a.m. the same day except that such places shall close the dispensing room Sunday at all times following two o'clock a.m. provided that the license issuing bodies in each county may meet in

January of each year to designate the dates during any city or county fairs, rodeos, pageants, jubilees or similar public gatherings when all licensees may operate without restriction as to closing hours, such unrestricted operation not to exceed a total of four (4) full days in any one calendar year.

Approved February 2, 1965.

## CHAPTER 22

Original Senate File No. 4

### PRESERVATION OF COUNTY PUBLIC RECORDS

AN ACT to amend and re-enact Section 18-123, Wyoming Statutes, 1957, as amended and re-enacted by Section 1, Chapter 31, Session Laws of Wyoming, 1961, relating to the methods and manner of preserving public records by the county clerk; providing any deed containing a metes and bounds description may have attached thereto a map showing the extent of said land; and providing for a recording fee.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Custodian of Public Records, Papers; Manner of Preservation; Recordation; Maps, Fee**

**Section 1.** That Section 18-123, Wyoming Statutes, 1957, as amended and re-enacted by Section 1, Chapter 31, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

The county clerk shall have custody of, and safely keep and preserve all the books, records, deeds, maps and papers deposited or kept in his office; in the case of maps the original linen tracings shall be kept undamaged and unfolded in files conforming to the size of the tracing, and prints of the original tracings shall be made accessible for the use of the public; he shall also record, in plain or distinct hand writing, or by typing, photostating, photographing, or printing either in whole or in part, in suitable books to be provided and kept in his office, or file, all deeds, mortgages, maps, instruments in writing, authorized by law to be recorded or filed in his office, and left with him for that purpose, and shall perform all other duties required of him by law in relation thereto, provided that no photostating or photographing system shall be ordered or installed by said clerk, without prior approval of the Board of County Commissioners. Any deed containing a metes and bounds description to be recorded may be accompanied by a map prepared in compliance with current Statutes and delineating the land described in such deed, and if a map delineating the land has been previously recorded then the deed may set forth the book and page reference of the said recorded map. The county clerk shall charge a fee of \$2.00 for recording maps submitted in accordance with this Section.

Approved February 2, 1965.

**CHAPTER 23**

Original House Bill No. 44

**COUNTY LIBRARIES**

AN ACT to amend and re-enact Section 18-312, Wyoming Statutes 1957, as amended and re-enacted by Section 4, Chapter 32, Session Laws of Wyoming 1961, relating to county libraries and authorizing the County Library Board of Directors to receive in any manner whatsoever, real estate, money, or other property, and to provide for the appointment of the county librarian and library staff; to amend and re-enact Section 18-313, Wyoming Statutes 1957, as amended and re-enacted by Section 5, Chapter 32, Session Laws of Wyoming 1961, authorizing the County Library Board of Directors to organize and elect officers and to promulgate rules and regulations to provide for branch libraries and other library facilities, and to contract for a federation of libraries, providing for incorporation as a public corporation, and providing that county libraries shall be free to residents of the county; and providing an effective date for this Act.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Board of Directors may Receive, Dispose of Property;  
Librarian, Staff**

Section 1. That Section 18-312, Wyoming Statutes 1957, as amended and re-enacted by Section 4, Chapter 32, Sessions Laws of Wyoming 1961, is amended and re-enacted to read as follows:

The board of directors is authorized to receive, in any manner whatsoever, real estate, money or other property in aid of the establishment, maintenance or operation of the county library system, for which said directors are hereby made responsible, and if received as a donation, shall carefully observe as the trustee of the donor the conditions accompanying every such gift; provided, however, that when the board of directors determine it to be in the best interests of the county library and, where such property is a gift, in keeping with the purpose of the donor, such board of directors may, with the approval and consent of the board of county commissioners of such county, sell, exchange, or otherwise dispose of such real estate or other property. The board of directors shall also appoint a competent librarian, who with the approval of the board of directors, shall appoint a library staff the duties and compensations of whom shall be fixed and determined by the board.

**Organization of Board; Rules, Regulations;  
Corporate Certificate; Branches**

Section 2. That Section 18-313, Wyoming Statutes 1957, as amended and re-enacted by Section 5, Chapter 32, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

Every library board of directors shall organize itself forthwith and elect a chairman and such other officers as shall be necessary and shall prescribe rules and regulations for the establishment, organization, operation and use of the county library and library system, and shall enforce such rules and regulations in any court of competent jurisdiction. As soon as so organized they shall file with the county clerk of the county and with the Secretary of State a certificate showing their organization, for the filing of which

certificate no fee or charge shall be paid. Upon the filing of such certificate said board of directors shall automatically become a body corporate, with power to sue and be sued under the name and style of "Board of Directors of the County Library of ..... County"; provided, however, that said board, by resolution filed as provided herein for filing of certificate of organization, may designate itself as "Board of Directors of Carnegie Public Library of ..... County". No individual member of the board of directors shall be personally liable for any action or procedure of the board. The said corporation shall have perpetual existence, and it shall not be necessary to file any other or further certificate than that filed upon the original organization of the board of directors. Every library established and maintained under the provisions of this Chapter shall be free to all residents of the county to which it belongs, on the condition that such persons comply with such rules and regulations of the library as the board of directors shall prescribe. Holders of library cards shall be responsible for all library materials borrowed on such cards. Whenever library materials are lost or destroyed, or for any reason taken from the library and not returned, the library board may institute proceedings in any court of competent jurisdiction to recover said materials or the value thereof. The directors in their sound discretion are also authorized to establish and maintain branch libraries, stations and other library services and facilities. Two or more county library boards may contract to establish a federation of the libraries under their jurisdiction for the purpose of providing co-operative library services. Such contracts shall be written, signed by the members of the contracting library boards, and shall be binding upon the contracting library boards and their successors. Provided, however, that the participating libraries may reserve the right to terminate said contracts by mutual agreement upon ninety (90) days written notice given to each contracting library board.

**Section 3.** This Act shall take effect and be in force from and after its passage.

Approved February 2, 1965.

## CHAPTER 24

Original Senate File No. 33

### MOTOR VEHICLE REGISTRATION

AN ACT to amend and re-enact Section 31-19, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 12, Session Laws of Wyoming 1963, pertaining to the registration of motor vehicles and the issuance of license plates, extending the time limit within which to register a motor vehicle acquired from an out of state dealer.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Registration Generally; Exception for Vehicles Acquired from Out of State Dealer; Distribution of Receipts; Preferential Numbers**

**Section 1.** Section 31-19, Wyoming Statutes 1957, as amended



and re-enacted by Section 1, Chapter 12, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

All owners or those acquiring ownership of motor vehicles prior to January 1 of each year, subject to the state registration fee and the county registration fee herein required, shall make application for registration and pay the annual state registration fee required by Section 31-18, Wyoming Statutes 1957, and the county registration fee herein required on or before March 1 of each year thereafter, and all others acquiring ownership of motor vehicles after January 1 of each year subject to payment of the state registration fee and county registration fee herein required shall make application for registration and pay the state registration fee and county registration fee before the expiration of ten (10) days after acquiring such ownership. Provided, however, that all owners acquiring motor vehicles from out of state dealers shall make application for registration and pay the state registration fee and county registration fee before the expiration of thirty (30) days after acquiring such ownership. Upon receipt of any application for registration of a motor vehicle as provided in Section 31-16, Wyoming Statutes 1957, the county treasurer shall file such application in his office and register such motor vehicle with the name and post office address of the owner, manufacturer or dealer, together with a description of the motor vehicle as given in the application, in a book to be kept and known as the "automobile register" and receipt therefor in quintuplicate, delivering one copy to the owner, who shall write his signature upon his copy with pen and ink in the space provided and the card shall at all times be carried in any commercial vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of any peace officer, and the county treasurer shall retain one copy in his office, and he shall weekly forward the third copy to the state board of equalization, together with the state registration fee so collected, and he shall daily forward the fourth copy to the office of the state highway patrol at Cheyenne; the fifth copy if requested in writing by the sheriff shall be given daily to the sheriff of his county to be kept in a separate file for that purpose by said sheriff. All applications and records other than the record known as the "automobile register" may be destroyed by the county treasurer after two (2) years from the last day of each registration year. Application for special or preference numbers shall be made to the county treasurer during the first twenty-one (21) days of each calendar year, and the county treasurer shall issue the registration plates to such applicant. Commencing on January 22 of each calendar year, the county treasurer shall issue all registration numbers in consecutive order.

Approved February 2, 1965.

**CHAPTER 25**

Original Senate File No. 40

**STUD TIRES**

AN ACT to amend and re-enact Subsection (c), Section 31-208, Wyoming Statutes 1957, relating to prohibitions of protuberances projecting beyond the tread of the traction surface of the tire, and providing an exception allowing protuberances of metal studs, provided that such metal studs do not project more than one-sixteenth (1/16) of an inch beyond the tread of the traction surface of the tire.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Tires, Prohibited Protuberances; Exceptions**

**Section 1.** That Subsection (c), Section 31-208, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike, or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use tires containing metal studs which do not project more than one-sixteenth (1/16) of an inch beyond the tread of the traction surface of the tire, and except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

Approved February 3, 1965.

**CHAPTER 26**

Original House Bill No. 71

**PARKING BRAKES**

AN ACT to amend and re-enact paragraph (5) of subsection (a), Section 31-202, Wyoming Statutes 1957, relating to parking brakes.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Standard for Parking Brake Operation**

**Section 1.** That paragraph (5) of subsection (a) of Section 31-202, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(5) One of the means of brake operation shall consist of a mechanical connection from the operating lever or by spring action or by equivalent means to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading on any upgrade or downgrade upon which it is operated.

Approved February 3, 1965.

**CHAPTER 27**

Original Senate File No. 6

**PERSONALTY IN TRANSIT**

AN ACT to amend and re-enact Section 39-106, Wyoming Statutes 1957, providing for tax exemption for personalty in transit.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Definition; No Tax Situs**

**Section 1.** Section 39-106, Wyoming Statutes 1957, is hereby amended and re-enacted to read as follows:

Personal property in transit through this state is manufactured goods, wares, seed, feed, fertilizer, tools, supplies and merchandise which is consigned to a warehouse within the State of Wyoming from within or without the State of Wyoming for storage or assembly in transit to a final destination outside the State of Wyoming whether such destination is specified before or after the transportation thereof begins. Such property is deemed to have acquired no situs in Wyoming for purposes of taxation.

Approved February 5, 1965.

**CHAPTER 28**

Original Senate File No. 74

**VETERANS EXEMPTION CONTINGENT**

AN ACT making an appropriation to the State Treasurer as a Veterans Exemption Contingent to be paid to the counties of Wyoming, for the loss of revenue by municipalities, counties and school districts, and for no other purpose; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Appropriation; Purpose**

**Section 1.** There is hereby appropriated to the State Treasurer out of any funds in the State Treasury of the State of Wyoming, not otherwise appropriated, the sum of One Million Two Hundred Thousand Dollars (\$1,200,000.00) as a Veterans Exemption Contingent, to be paid to the counties of Wyoming, in the two years ending June 30, 1967, for loss of revenue by municipalities, counties and school districts, as provided by law, and for no other purpose.

**Section 2.** This Act shall be in full force and effect from and after its passage and approval.

Approved February 5, 1965.

**CHAPTER 29**

Original Senate File No. 20

**CAPITOL BUILDING COMMISSION — APPROPRIATION**

AN ACT appropriating Forty Thousand Dollars (\$40,000.00) to the Capitol Building Commission of the State of Wyoming for the purpose of purchasing the house and lot and all improvements thereon located at 2314 Capitol Avenue in the City of Cheyenne, County of Laramie, State of Wyoming, and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Appropriation for Real Estate Purchase**

**Section 1.** There is hereby appropriated to the Capitol Building Commission of the State of Wyoming the sum of Forty Thousand Dollars (\$40,000.00), to be used for the purchase of the house and lot and all improvements thereon located at 2314 Capitol Avenue in the City of Cheyenne, County of Laramie, State of Wyoming, and title thereto to be conveyed in the name of the State of Wyoming.

**Section 2.** This Act is to take effect and be in force from and after its passage.

Approved February 6, 1965.

**CHAPTER 30**

Original House Bill No. 112

**COMMUNITY COLLEGE DISTRICTS**

AN ACT to amend and re-enact Section 21-446, subsection (e), Wyoming Statutes 1957, as amended and re-enacted by Section 3, Chapter 223, Session Laws of Wyoming 1961; Section 21-447 (c) as amended and re-enacted by Section 6, Chapter 223, Session Laws of Wyoming 1961; Section 21-449 (a), (b), (j), (m), Wyoming Statutes 1957, relating to the formation and establishment of Community College Districts, the enlargement to establish Community College Districts, the mill levy for said Community College Districts, the creation, composition and terms of membership on Community College District boards.

*Be It Enacted by the Legislature of the State of Wyoming:*

**District Formation, Election; Qualifications to Vote; Majority Required**

**Section 1.** That Section 21-446, subsection (e), Wyoming Statutes 1957, as amended and re-enacted by Section 3, Chapter 223, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

(e) Such election shall be held to determine the question of establishing a community college district, as described in the petition, providing for the levy of a tax not to exceed four (4) mills on the dollar of assessed valuation, and the election of the community college district board. Only qualified electors residing within each school district to be included in the proposed community college district shall

be qualified to vote within their respective school districts. The vote necessary to authorize the formation of a community college district shall be the majority of the votes cast in the entire election.

#### **Enlargement of Established Districts**

**Section 2.** That Section 21-447, subsection (c), as amended and re-enacted by Section 6, Chapter 223, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

(c) Such election shall be held to determine the question of annexation, the question of authority to levy a tax not to exceed four (4) mills and the question of authorizing the levy of a tax upon the district as thus enlarged to pay the interest and principal as it becomes due on the outstanding bonded indebtedness of said community college district from the date of said annexation. Such election shall be conducted in all respects the same as the election to establish a community college district. The school district to be annexed shall constitute an election district for the purpose of this Act, and the Board of School Trustees of such district shall establish such polling places or booths within the district as such board may deem fit. Only qualified electors residing within the school district to be annexed shall be qualified to vote. The vote necessary to authorize the annexation of such territory shall be a majority of votes cast within the school district to be annexed.

#### **District Board; Term of Office; Vacancies; Sub-Districts; Election; Tax; Bonds**

**Section 3.** That Section 21-449, subsections (a), (b), (j), and (m), Wyoming Statutes 1957, are amended and re-enacted to read as follows, respectively:

(a) The community college district board provided for by this Act shall be composed of seven (7) members who are qualified electors of the community college district and who have been elected by the electors of the district. In the first election called by the board or boards of school trustees to determine the question of creation of the community college district, seven (7) members shall be elected to the offices, but their respective terms of office shall be determined by lot at the first meeting of the community college district board. Three (3) members of the board shall serve for three (3) years, two (2) members shall serve for two (2) years, and two (2) members shall serve for one (1) year. The first year of the term of office of each member shall be deemed to have expired upon the date of the first regular election to be held. At subsequent regular elections, a member or members shall be elected for three (3) year terms to succeed any member whose term has expired, except that a member or members may be elected to fill unexpired terms. At the discretion of the Board, vacancies in the membership of the board may be filled by appointment by the remaining members of the board in a regularly called board meeting, such appointed member or members to serve only until the next regular election. It is specifically provided that in order to provide for proper area representation for the entire community college district on said Board, the Board shall, by resolution, partition the community college district into sub-districts for election of Board members and provide the number of Board members that may be elected from each such sub-district.

(b) Regular elections of members of the community college district board shall be held each year at the same time and in the same manner as elections for Board of Trustees of first class school districts, except that in election of members of the community college district board said board shall canvass the same, determine and declare the results of the election and that the community college district board shall determine the place or places where such election may be held and shall establish such polling places or booths as the Board may deem necessary for the purpose of such election. The community college district board shall appoint and pay the election officers required by law. Only qualified electors residing within the community college district shall be qualified to vote.

(j) At the first meeting each year, or at any appropriate time, the community college district board shall make an estimate of the amount of funds required to be raised through a tax levy upon the property lying within the district and shall present to the Board of County Commissioners of each county included in whole or in part within the district, a certified estimate of the tax required to raise the amount required, but in no case shall the tax for such purposes be more than four (4) mills in any one year on the dollar on all taxable property within the district.

(m) Whenever a majority of the community college district board shall desire, it may submit to the electors of said district the question of whether the board shall issue bonds of said district not to exceed two per cent (2%) of the assessed valuation of the community college district for the purchase, erection, remodeling or completion of a building or buildings for community college purposes and the equipment and suitable site therefor; for purchase of equipment and facilities, including laboratories, libraries and such other facilities as may be necessary and proper for such college; or to refund an existing indebtedness incurred for such purposes provided such bonds must run for a term of twenty-five (25) years or less, but no longer. Said election shall be held in the manner prescribed for holding of regular elections to elect members of the community college district board, and the ballots shall be substantially in the form prescribed for election on issue of bonds of school districts. Said bonds shall be paid, principal and interest, in the manner provided for the payment of school district bonds. The two per cent (2%) limitation above referred to shall be the limitation applicable to subdivisions of a county and shall be separate and apart from and in addition to the ten per cent (10%) limitation of indebtedness as provided for by the constitution and laws of Wyoming for school districts. The levy for the payment thereof shall be separate and apart from and in addition to the levy of not to exceed four (4) mills herein otherwise provided.

Approved February 6, 1965.



**CHAPTER 31**

Original House Bill No. 191

**NONRESIDENT MOOSE PERMITS**

AN ACT to amend and re-enact Section 23-79, Wyoming Statutes 1957, relating to the purchase of nonresident moose permits.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Who May Purchase; Right of Permit Holder**

**Section 1.** That Section 23-79, Wyoming Statutes 1957, is hereby amended and re-enacted to read as follows:

Any person who is qualified to receive a nonresident moose permit, as defined in this Act, may purchase the same from the office of the Wyoming Game and Fish commission. Such permit shall entitle the holder thereof to hunt, pursue, and kill one bull moose, at such time, in such place, and in such manner as provided by law and the rules, orders or regulations of the Commission.

Approved February 6, 1965.

**CHAPTER 32**

Original House Bill No. 192

**RESIDENT MOUNTAIN SHEEP PERMITS**

AN ACT to amend and re-enact Section 23-76, Wyoming Statutes 1957, relating to the purchase of resident mountain sheep permits.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Who May Purchase; Rights of Permit Holder**

**Section 1.** That Section 23-76, Wyoming Statutes 1957, is hereby amended and re-enacted to read as follows:

Any person who is qualified to receive a resident mountain sheep permit, as defined in this Act, may purchase the same from the office of the Wyoming Game and Fish Commission. Such permit shall entitle the holder thereof to hunt, pursue, and kill one mountain sheep, at such time, in such place and in such manner as provided by law and the rules, orders or regulations of the Commission.

Approved February 6, 1965.

**CHAPTER 33**

Original House Bill No. 193

**RESIDENT MOOSE PERMITS**

AN ACT to amend and re-enact Section 23-78, Wyoming Statutes 1957, relating to the purchase of resident moose permits.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Who May Purchase; Rights of Permit Holder**

**Section 1.** That Section 23-78, Wyoming Statutes 1957, is hereby amended and re-enacted to read as follows:

Any person who is qualified to receive a resident moose permit, as defined in this Act, may purchase the same from the office of the Wyoming Game and Fish Commission. Such permit shall entitle the holder thereof to hunt, pursue, and kill one moose, at such time, in such place, and in such manner as provided by law and the rules, orders or regulations of the Commission.

Approved February 6, 1965.

**CHAPTER 34**

Original House Bill No. 56

**LABOR AND STATISTICS PUBLICATIONS**

AN ACT providing the commissioner of labor and statistics with authority to sell certain publications prepared by his office.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Commissioner of Labor and Statistics May Sell Publication; Exception**

**Section 1.** The commissioner of labor and statistics shall have the authority to sell any publication or other duplicated or printed material other than the biennial report which his office may prepare and which the public may desire to purchase.

**Limitation on Charge**

**Section 2.** The charges made by the Commissioner of Labor and Statistics shall not exceed the cost of materials, printing, duplication, packaging and postage.

**Disposition of Proceeds**

**Section 3.** All funds received by the Commissioner of Labor and Statistics hereunder shall accrue to the State Treasurer of the State of Wyoming, to the credit of a fund to be known as the "Labor Department Publication Fund", and no part of such fund shall be diverted for any purpose other than for materials, cost of printing or duplication, packaging and postage.

Approved February 6, 1965.



**CHAPTER 35**

Original House Bill No. 120

**EMINENT DOMAIN**

AN ACT amending and re-enacting Sections 1-794 and 1-802, Wyoming Statutes 1957, pertaining to condemnation of certain rights-of-way, to limit certain rights-of-way to surface easements and exclude underlying minerals; and authorizing eminent domain proceedings for return flow and waste water ditches.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Condemnation for Certain Private Business; Scope; Limitation**

**Section 1.** That Section 1-794, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Every person, association of persons, company or corporation, domestic, foreign, or municipal, doing business in this state who shall in the course of their business require a way of necessity for reservoirs, drains, flumes, ditches (including return flow and waste water ditches), canals, electric power transmission lines, railroad trackage, sidings, spur tracks, tramways or mine truck haul roads, on or across the lands of others for agricultural, mining, milling, domestic, electric power transmission, municipal or sanitary purposes or for the transportation of coal from any coal mine or any line of railroad, shall have power and are authorized to enter upon any lands for the purpose of examining and making surveys for reservoirs, drains, flumes, ditches (including return flow and waste water ditches), canals, electric power transmission lines, or any branch or branches thereof, or for railroad trackage, sidings, spur tracks, tramways or mine truck haul roads, or for the purpose of changing any part of the original lines of any reservoir, drain, flume, ditch, canal, electric power transmission line, railroad trackage, sidings, spur tracks, tramways, or mine truck haul roads belonging to the corporation or person applying for such right-of-way already constructed or owned by such person, association of persons, company or corporation seeking to exercise the powers herein, to take hold and appropriate, a right-of-way easement over so much real property as may be necessary for the location, construction, and convenient maintenance and use of such reservoir, drain, ditch, flume, canal, electric power transmission lines, trackage, siding, spur track, tramway or mine truck haul road, or any branch or branches thereof, or for the relocation of the whole or any part thereof, or any line to which such person, association of persons, company or corporation may desire to change or to enlarge any such reservoir, drain, flume, ditch, canal, electric power transmission line, trackage, siding, spur track, tramway or mine truck haul road owned by any such person, association of persons, company or corporation; to enlarge any ditch, flume, drain or canal used for the conveyance of water; for the purpose of conveying additional waters through the same; to take and appropriate material for the construction and repair of any such reservoir, drain, flume, ditch, canal, electric power transmission line, railroad trackage, siding, spur track, tramway or mine truck haul road; to take, hold and appropriate a right-of-way easement over any such lands or adjacent land sufficient to enable such persons, associations of persons, companies

or corporation, to construct, repair, use and maintain any such reservoir, drain, flume, ditch, canal, electric power transmission line, railroad trackage, siding, spur track, tramway or mine truck haul road upon the line of the location or re-location thereof; provided, that the right-of-way easement so held, taken and appropriated otherwise than by the consent of the owner shall not exceed one hundred (100) feet in width on each side of the outer sides or marginal lines of any such reservoir, drain, ditch, canal, flume, electric power transmission line, railroad trackage, siding, spur track or tramway unless a greater width is necessary for excavation, embankment or depository for waste earth, and in no case shall the area taken exceed the actual necessities of the work constructed, provided, however, that no mine truck haul road right-of-way taken hereunder shall exceed one hundred (100) feet in total width; and, provided, further, that no appropriation of private property for the use of any such person, association of persons, company or corporation shall be made until compensation therefor be made to the owner or owners thereof and, provided, also, that the words "private property," as used in this Act shall be understood to include any advantage which the previous construction of any such reservoir, drain, flume, ditches, trackage or mine truck haul road, or any necessary part or parts thereof being the property of others, may be to any such person, association of persons, company or corporation and that the value of such advantage may have due consideration in such condemnation proceedings, and, provided, further, that any person, association of persons, company or corporation, in any condemnation proceeding hereunder, shall be entitled to claim only a surface right-of-way easement over any lands sought to be condemned and shall not be entitled to claim all, or any part of, the underlying minerals, and no award of damages shall be made on account of such underlying minerals but such award shall take into account only the actual rights and property claimed and appropriated, provided, further, that no eminent domain proceeding hereunder shall lie for a mine truck haul road except where no other reasonable and practicable way is available, and provided, further, that the petitioner for a mine truck haul road shall be required to show that his proceeding is in good faith and that the mining operation is economically feasible.

### **Interest Acquired**

**Section 2.** That Section 1-802, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Upon the confirmation of the report of the commissioners or the verdict of the jury as herein provided, and upon due proof that such compensation has been paid to the parties entitled to the same, or has been deposited to the credit of such parties with the clerk of the court, or with the county treasurer, or in such other place as may be approved by the court for that purpose, the court shall make and cause to be entered an order describing such real property in the manner aforesaid, such ascertainment of compensation, with the mode of making it, and each payment or deposit of the compensation aforesaid, which said order, shall in all cases reserve to the owner or occupant of any real property through, over or across which any right-of-way is acquired, under the provisions of this Act, the right

to establish a suitable crossing connecting his or their lands on either side of said right-of-way, at any point which may be selected by said owner or occupant, the ditch, canal, drain, flume, or other irrigation works to be protected at such crossing by the construction and maintenance of a suitable bridge or viaduct at the expense of such owner or occupant, and the said owner or occupant to have the right to cross and recross the same at all times at his pleasure, a certified copy of which shall be recorded and indexed in the office of the county clerk and ex-officio register of deeds, in like manner, and with like effect, as if it were a deed of conveyance from the said owners and parties interested, to the person, association of persons, company or corporation seeking to take and acquire real property as by this Act provided, their heirs, successors or assigns. Upon the entry of such order the said petitioner shall become seized of a right-of-way easement over all such property described in said order as is required to be taken as aforesaid, and may take possession of and hold and use the same for the purposes specified in said petition, and shall thereupon be discharged from all claims for any damages by reason of any matter specified in such petition, certificate of verdict, or in the order of the court.

Approved February 6, 1965.

## CHAPTER 36

Original House Bill No. 137

### VENDING STANDS — BLIND PREFERENCE

AN ACT giving to blind persons a preference to operate vending stands in state, city or county buildings.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Preference to Operate Vending Stands

**Section 1.** Legally blind persons licensed by the State Division of Vocational Rehabilitation, State Department of Education, shall have an absolute preference to operate vending stands in any building owned or occupied by the state or by any county or city for the vending of merchandise.

#### Installation of Stands

**Section 2.** The Board, Commission, or other agency in charge of any building owned or occupied by the state or any county or city, in cooperation with the Division of Vocational Rehabilitation, State Department of Education, may construct or install, or permit the construction and installation of vending stands, to be operated by legally blind persons licensed by such Division.

#### Rights of Persons Now Operating Stands

**Section 3.** The preference granted herein shall not affect the rights of any person or persons now operating any vending stand in any state, city or county building, and such persons shall have the right to continue to operate the same under any existing license or

renewal thereof. Any legally blind applicant for such vending stand shall be required to pay to the person ceasing operations the reasonable value of any equipment owned by him and used in such operation, such reasonable value to be determined by the Board, Commission or other agency in charge of the building.

Approved February 6, 1965.

## CHAPTER 37

Original House Bill No. 75

### VENEREAL DISEASE REPORTS

AN ACT to amend and re-enact Section 35-177, Wyoming Statutes 1957, relating to report to health authorities required of a physician, superintendent or manager of hospital, dispensary or charitable or penal institution who makes a diagnosis in or treats a case of venereal disease; providing for report to be made by any laboratory performing a positive laboratory test for venereal disease, and providing that such reports shall be in the form and manner prescribed by the State Board of Health.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Persons to Make Reports; To Whom Made; Form**

**Section 1.** That Section 35-177, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary or charitable or penal institution in which there is a case of venereal disease, or any laboratory performing a positive laboratory test for venereal disease shall make a report of such case or positive laboratory test for venereal disease to the health authorities according to such form or manner as the State Board of Health may direct.

Approved February 6, 1965.

## CHAPTER 38

Original House Bill No. 166

### WYOMING RETIREMENT SYSTEM

AN ACT to amend and re-enact subsection (3) of Section 9-295, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 76, Session Laws of Wyoming 1961, relating to definition of "State employee" in Wyoming Retirement Act; to provide for the inclusion of county and city employees in the definition.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Persons Covered; To Include County, City Employees**

**Section 1.** That subsection (3) of Section 9-295, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 76,

Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

(3) "State employee" shall mean any person who is an employee of the State of Wyoming whose salary is paid either by warrant of the State or from the fees or income of any department, board or other agency of the State, but shall not include persons covered under the Supreme Court Justices' Pension Plan or under any other State or local retirement system, or members or employees of the Wyoming State Legislature, or student employees of the University of Wyoming, or employees of the Agricultural Extension Service of the University of Wyoming who hold federal appointments and who are required by the Federal Civil Service Retirement Act to participate in Federal Civil Service Retirement, provided, that all persons who are such employees of the Agricultural Extension Service on the effective date of the Act may elect by written notice to the Retirement Board within thirty (30) days from said effective date to continue to be covered by the Wyoming Retirement Act, and provided that such term "State employee" shall also mean and include persons employed as technicians by the Wyoming National Guard (both Army and Air) whose employment is authorized under Section 709 of Title 32, United States Code, and who are paid from federally appropriated funds. Such technicians shall be eligible to participate only in the event the federal government shall have made the employer contributions required by the laws of this State. "State employee" shall also mean any person who is employed by any county in the State of Wyoming, by any city or town in the State of Wyoming, or by any other political subdivision in the State of Wyoming, or by any weed and pest control district and such employee shall be eligible to participate under the Wyoming Retirement Act; provided that such county, city or town, through and at the discretion of its Board of County Commissioners or its governing body, shall designate to the Retirement Board which individual legally constituted departments of such city, county or political subdivision shall be covered under the Act.

Approved February 6, 1965.

## CHAPTER 39

Original House Bill No. 175

### ADOPTION PETITION

AN ACT to amend and re-enact subsection A, Section 1-708, Wyoming Statutes 1957, as amended and re-enacted by Section 4, Chapter 59, Session Laws of Wyoming 1963, relating to the petition for adoption of a minor child.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Who May File; Documents to Accompany Petition; Exception

**Section 1.** That subsection A, Section 1-708, Wyoming Statutes 1957, as amended and re-enacted by Section 4, Chapter 59, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

A. Proceeding for the adoption of a minor child shall be by petition to the district court. A petition to adopt a minor child may be filed by either (a) a husband and wife jointly, or either the husband or wife if the other spouse is a parent of the child, or (b) by any other person who is at least twenty-one (21) years old, who is a resident of the State of Wyoming, and in the case of married persons maintaining a home together, the petition shall be the joint petition of husband and wife, except that if one of the spouses be the natural parent of the child to be adopted, such natural parent shall not be required to join in the petition. Every petition for adoption of a minor child at the time of filing must be accompanied by the following: (a) the written consent of the child's parents, if living, but if parental rights have been terminated in a former judicial proceeding, the consent of the child's legally appointed guardian shall be sufficient; (b) a medical report on a form prescribed by the state department of public health and signed by a duly licensed physician of the State of Wyoming, the said report to be based upon an examination of the child made within thirty (30) days immediately preceding the filing of the petition for adoption, and the state department of public health shall furnish to each clerk of the district court the forms for the medical reports; provided that such medical reports shall not be required in any adoption proceeding where one or both of the adopting parents is related to the child to be adopted by either blood or marriage.

Approved February 6, 1965.

## CHAPTER 40

Original House Bill No. 202

### ESTATES OF MINORS

AN ACT to amend and re-enact Section 14-5, Wyoming Statutes 1957, to allow sums not in excess of \$1,500 of minors to be paid to a parent.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Estate Paid, Delivered to Parent; Limitation**

**Section 1.** That Section 14-5, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

If a minor has no guardian of his estate, money belonging to the minor not exceeding the sum of One Thousand Five Hundred Dollars (\$1,500) or other property belonging to the minor not exceeding One Thousand Five Hundred Dollars (\$1,500) in value may be paid or delivered to a parent of the minor entitled to the custody of the minor to hold for the minor, upon written assurance verified by the oath of such parent that the total estate of the minor does not exceed One Thousand Five Hundred Dollars (\$1,500) in value; and the written receipt of such parent shall be an acquittance of the person making such payment of money or delivery of other property. It shall be the duty of the parent to apply any funds so received to the use and benefit of the minor.

Approved February 6, 1965.

**CHAPTER 41**

Original House Bill No. 212

**WYOMING PEACE OFFICERS' INDEMNITY FUND**

AN ACT providing an appropriation for biennium payment by the State of Wyoming of monthly premiums due from various state institutions for the use of the Wyoming Peace Officers' Indemnity Fund, and to provide an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Appropriation for Premiums Due from State Institutions**

**Section 1.** There is hereby appropriated from any funds in the state treasury, not otherwise appropriated, the sum of Twelve Thousand Eight Hundred Ninety-Three and 75/100 Dollars (\$12,893.75), to compensate the Wyoming Peace Officers' Indemnity Fund for premiums due from the Wyoming State Penitentiary; the Wyoming Industrial Institute; the Wyoming State Probation and Parole Officers, and the Coal Mine Inspection Department.

**Section 2.** This Act shall take effect and be in force from and after its passage.

Approved February 6, 1965.

**CHAPTER 42**

Original House Bill No. 213

**STATE INSTITUTIONS WORKMEN'S COMPENSATION COVERAGE**

AN ACT making an appropriation for payment by the State of Wyoming of premiums for Workmen's Compensation coverage on employees of various state institutions to be paid into the Industrial Accident Fund and Employers' Disaster Reinsurance Fund, and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Appropriation to Industrial Accident Fund**

**Section 1.** There is hereby appropriated out of any funds of the state treasury, not otherwise appropriated, the sum of Twenty-five Thousand Six Hundred Seventy-nine and 74/100 (\$25,679.74), to be credited to the Industrial Accident Fund, Workmen's Compensation Department, for premiums due for Workmen's Compensation coverage on employees of the Wyoming State Training School at Lander, Wyoming; the Wyoming Girls' School at Sheridan, Wyoming; the Wyoming State Hospital at Evanston, Wyoming; the Wyoming Tuberculosis Sanatorium at Basin, Wyoming; the Wyoming State Children's Home at Casper, Wyoming; the Wyoming Soldiers' and Sailors' Home at Buffalo, Wyoming; the Wyoming Pioneer Home at Thermopolis, Wyoming; and the Hot Springs State Park at Thermopolis, Wyoming.

**Appropriation to Employers' Disaster Reinsurance Fund**

**Section 2.** There is appropriated out of any funds of the state

treasury, not otherwise appropriated, the sum of Seventeen Thousand Eight Hundred Seventy-four and 57/100 Dollars (\$17,874.57), to be credited to the Employers' Disaster Reinsurance Fund, Workmen's Compensation Department, for premiums due for Workmen's Compensation coverage on employees of the Wyoming State Training School at Lander, Wyoming; the Wyoming Girls' School at Sheridan, Wyoming; the Wyoming State Hospital at Evanston, Wyoming; the Wyoming Tuberculosis Sanatorium at Basin, Wyoming; the Wyoming State Children's Home at Casper, Wyoming; the Wyoming Soldiers' and Sailors' Home at Buffalo, Wyoming; the Wyoming Pioneer Home at Thermopolis, Wyoming; and the Hot Springs State Park at Thermopolis, Wyoming.

**Section 3.** This Act shall take effect and be in force from and after its passage.

Approved February 6, 1965.

## CHAPTER 43

Original House Bill No. 87

### LIVESTOCK — BRAND INSPECTION

AN ACT to amend and re-enact Section 11-390, Wyoming Statutes 1957, as amended and re-enacted by Section 27, Chapter 46, Session Laws of Wyoming 1961, relating to the reporting of receipts and expenses of brand inspection by the Agency to the Wyoming Livestock and Sanitary Board; request by the Wyoming Livestock and Sanitary Board to the State Board of Equalization to fix the mill rate; and the fixing of the mill levy by the State Board of Equalization.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Assessment of Special Tax on Cattle; Report of Receipts and Expenditures; Board of Equalization to Fix Tax; Maximum Rate**

**Section 1.** That Section 11-390, Wyoming Statutes 1957, as amended and re-enacted by Section 27, Chapter 46, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

The Agency shall on or before the first Monday in June of each year present a written report to the Board, which shall contain:

1. A statement of funds received from inspection fees collected at market centers;
2. A statement of expenses of inspection, including salaries and expenses of inspectors, and that part of the expense of administering the Wyoming office of the Agency incurred in administering said inspection;
3. The amount by which inspection expenses have exceeded the revenues for the fiscal year ending June 1st, and shall mail a copy of said report to the State Examiner. Upon approval by the Board it shall submit a request to the State Board of Equalization to require the levy and collection of a tax sufficient to raise the sum desired. The State Board of Equalization shall order and fix the mill rate of a special tax to be levied each year for the purposes of this Act, sufficient to produce a sum approximately equal to the deficit for the previous year as determined by said statement of revenues and expenses plus an amount sufficient to pay all such



expenses for the forthcoming year which will become due and payable prior to receipt of amounts to pay the same; provided however, said levy for the year 1961 shall be six (6) mills, and thereafter the annual levy shall be six (6) mills until such time as the One Hundred Thousand Dollars (\$100,000) appropriated in 1961 by the Legislature for use by the Board has been repaid to the State. Whereupon said levy shall not exceed six (6) mills on the dollar upon all cattle, horses and mules assessed in each county of the State for the preceding year, according to the valuation thereof as fixed by said Board, and shall certify such special tax levy to the county commissioners of each of the several counties of the State on or before the first Monday of July of each year.

This Act became law without the signature of the Governor on February 10, 1965, in accordance with Article IV, Section 8, of the Constitution of Wyoming.

## CHAPTER 44

Original Senate File No. 17

### EDUCATION — ACCEPTANCE OF FEDERAL FUNDS

AN ACT amending and re-enacting Section 21-58, Wyoming Statutes 1957, to authorize the State Board of Education to accept National Defense Education Act Funds and other federal aid to schools; to designate the State Board of Education as the agency in the state to administer and distribute such funds; reserving specific authority to request and control such funds in local boards of education; declaring an emergency exists and providing the bill will be effective upon passage.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **State Board of Education and Board of Trustees of the University of Wyoming are Accepting Agencies; Limitations**

**Section 1.** That Section 21-58, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

The State of Wyoming does hereby designate the State Board of Education as the agency of the State of Wyoming to accept the provisions of and funds or grants made by authority of the National Defense Education Act and any other act of congress of the United States of America having for its purpose federal aid to education to the several states; provided that each such acceptance shall be restricted in its effect to the specific situation involved under such acceptance.

Provided further, that Section 21-312, and 21-307, Wyoming Statutes 1957, shall not be construed as coming within the provisions of this act.

Provided further, that the board of trustees of the University of Wyoming is hereby authorized to accept any funds or grants made to the University of Wyoming by the United States to be used for education, research or other purposes. The board of trustees of the University of Wyoming is hereby authorized to accept the terms and

provisions of any act of congress relating to any federal grants made for the purposes herein provided; provided further that said funds so granted or allocated to the said university shall be under the control of and expended by the said board of trustees of said university.

#### **Aid to Elementary and Secondary Schools**

**Section 2.** The State Board of Education is hereby designated as the state body to establish a state plan for the administration and distribution of National Defense Education Act funds for use by elementary and secondary schools in Wyoming and for any other federal funds received by Wyoming for use by its elementary and secondary schools pursuant to the provisions of this act.

#### **Acceptance not Mandatory; Not to be Considered Surrender of Local Control**

**Section 3.** Nothing in this act shall be construed to make acceptance of funds provided herein mandatory to any school district, nor shall anything herein contained be considered as a directive or authority to surrender in any degree of local control of schools of the state by the State Board of Education or any other school authority.

**Section 4.** Whereas an emergency exists, this act shall be in full force and effect from and after its passage.

Approved February 10, 1965.

### **CHAPTER 45**

Original House Bill No. 4

#### **GAME AND FISH — DEFINITIONS**

AN ACT to amend subsections (c) and (d) of Section 23-1, Wyoming Statutes 1957, which removes the fox from the definition of fur bearing animals and includes red fox in the definition of predatory animals.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Definition — Fur Bearing Animals**

**Section 1.** That subsection (c) of Section 23-1, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(c) Fur bearing animals. The words fur bearing animals shall be construed as meaning mink, fisher, marten, otter and beaver;

#### **Definition — Predatory Animals**

**Section 2.** That subsection (d) of Section 23-1, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(d) Predatory animals. The words predatory animals shall be construed as meaning bobcat, lynx, wolf, lion, coyote, skunk, badger, civet-cat, weasel, porcupine, jackrabbit, raccoon, red fox, and stray cat;

Approved February 10, 1965.

**CHAPTER 46**

Original House Bill No. 110

**COMMUNITY COLLEGE DISTRICT ENLARGEMENT**

AN ACT to amend and re-enact Section 21-447, subsection (e), Wyoming Statutes 1957, as amended and re-enacted by Section 6, Chapter 223, Session Laws of Wyoming 1961, relating to the enlargement of an established Community College District to a county-wide Community College District, and providing election procedures therefor.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Election Procedure; Mill Levy; Acceptance of New Territory**

**Section 1.** That Section 21-447, subsection (e), Wyoming Statutes 1957, as amended and re-enacted by Section 6, Chapter 223, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

(e) An established Community College District may be enlarged to a county-wide District whenever Ten Per Cent (10%) of the qualified electors within that portion of the county outside of the established College District shall petition the Community College District Board requesting that said Community College District shall be enlarged to a county-wide District. Said Board shall by resolution accept said petition and shall file the same with the County Commissioners of said county. When the same has been filed with the County Commissioners, said County Commissioners shall at their first (1st) meeting thereafter give twenty (20) days' notice by publication in the official paper in said county that said County Commissioners shall call a county-wide special election for the purpose of enlarging said established Community College District to a county-wide District. Said election shall be conducted in all respects the same as elections in first class school districts except that the County Commissioners may establish the election district or districts and polling places that in their discretion they deem necessary for the purpose of this election. The questions to be presented at said election will be the establishment of a county-wide Community College District, the question of levying a special mill tax therefor, not to exceed four (4) mills on the dollar of assessed valuation, and the question of levying taxes on all taxable property with the county to pay the interest and principal as it becomes due on any bonded indebtedness outstanding at the date of said election against the already existing Community College District, and incurred for the purpose of erecting a building or buildings for said Community College, acquiring the grounds therefor and equipping said building with such quiring the grounds therefor and equipping said buildings with such equipment as may be necessary, including but not limited to, laboratories, libraries, offices for faculty members, offices for the director, and classrooms and their facilities, and said questions will be submitted to the electors of the county at a designated time, not to exceed thirty (30) days from the expiration of said twenty (20) days' notice. The petition or resolution herein referred to shall contain:

(A) The name of the Community College District which is to be enlarged to a county District; and

(B) The territorial boundaries of the area in said county not already in the established Community College District.

Such election shall be held in the same manner as the election for annexation of individual school districts to an existing College District except insofar as the County Commissioners shall have the authority to establish election districts and polling places other than by individual school districts. The vote necessary to authorize the enlargement to a District shall be a majority vote cast in the existing Community College District and a majority of all votes cast in the combined districts to be annexed. Returns of said election shall be forwarded to the County Clerk and shall be canvassed by the Board of County Commissioners in the same manner as herein set forth in this Act regarding the provisions of original organization of a Community College District on the county-wide basis. In the event that said election does not carry, it shall in no way affect the existing College District. In the event that said election shall carry, the existing College Board shall accept the new territory into said College District by resolution the same as by the regular annexation provision above and there shall be no change in the name of the District or any necessity to reorganize the Board. In the event the said election shall carry, the Board of County Commissioners of said county shall immediately declare that said existing District has been enlarged by annexing to said District all of the lands in said county not heretofore in said District and said enlarged District shall carry on in the same manner as it would have under the provisions for annexation of territory as provided above.

Approved February 10, 1965.

## CHAPTER 47

Original House Bill No. 162

### UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT

AN ACT providing for the filing and the status of foreign judgments; providing procedures and effect with respect to the giving of notice; outlining the causes and procedures for staying execution; establishing filing fees; preserving existing remedies; and repealing Article 7, Chapter 18, Title I, being Sections 1-460 to 1-477 inclusive, Wyoming Statutes 1957; and providing a short title.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Definition of Foreign Judgment

**Section 1.** In this Act "foreign judgment" means any judgment, decree, or order of a court of the United States or of any other court which is entitled to full faith and credit in this state.

#### Judgment Filed with Clerk of Court

**Section 2.** A copy of any foreign judgment authenticated in accordance with the act of Congress or the statutes of this state may be filed in the Office of the Clerk of any District Court of any county of this state. The Clerk shall treat the foreign judgment

in the same manner as a judgment of the District Court of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a judgment of a District Court of this state and may be enforced or satisfied in like manner.

#### **Procedure on Filing**

##### **Section 3.**

(a) At the time of the filing of the foreign judgment, the judgment creditor or his lawyer shall make and file with the Clerk of Court an affidavit setting forth the name and last known post office address of the judgment debtor, and the judgment creditor.

(b) Promptly upon the filing of the foreign judgment and the affidavit, the Clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post office address of the judgment creditor and the judgment creditor's lawyer if any in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the Clerk. Lack of notice of filing by the Clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

(c) No execution or other process for enforcement of a foreign judgment filed hereunder shall issue until five (5) days after the date of the judgment is filed.

#### **When Execution Stayed**

##### **Section 4.**

(a) If the judgment debtor shows the District Court that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or until the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the law of the state in which it was rendered.

(b) If the judgment debtor shows the District Court any ground upon which enforcement of a judgment of any District Court of this state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state.

#### **Fees**

**Section 5.** Any person filing a foreign judgment shall pay to the Clerk of Court five dollars. Fees for docketing, transcription or other enforcement proceedings shall be as provided for judgments of the District Court of this state.

#### **Alternative Remedy**

**Section 6.** The right of a judgment creditor to bring an action

to enforce his judgment instead of proceeding under this Act remains unimpaired.

#### **Law to be Uniform**

**Section 7.** This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

#### **Short Title**

**Section 8.** This Act may be cited as the Uniform Enforcement of Foreign Judgments Act.

#### **Sections Repealed.**

**Section 9.** The following Acts and parts of Acts are repealed: Article 7, Chapter 18, Title I, being Sections 1-460 to 1-477 inclusive, Wyoming Statutes 1957.

Approved February 10, 1965.

## **CHAPTER 48**

Original House Bill No. 174

### **COURT APPOINTED ATTORNEYS**

AN ACT to provide for the payment of Court-appointed attorneys under the provisions of Section 4, Chapter 63, Session Laws of Wyoming 1961, making an appropriation therefore and providing that this Act be effective at once upon passage and approval.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Appropriation**

**Section 1.** There is hereby appropriated out of funds in the State Treasury of the State of Wyoming not otherwise appropriated, the sum of One Thousand Five Hundred Dollars (\$1,500.00) or so much thereof as may be necessary for the payment of counsel appointed during the biennium commencing July 1, 1963, to represent indigents under the provisions of Section 4, Chapter 63, Session Laws of Wyoming 1961, and for which funds have not heretofore been appropriated, to the several District Courts.

#### **Claims to be Approved by Court**

**Section 2.** Claims for fees to be paid out of this appropriation shall be approved by the Court appointing such counsel and shall be paid on warrant of the state auditor, from the fund created by this Act.

#### **Fund to Revert**

**Section 3.** The unexpended portion of the fund appropriated and created by this Act shall revert to the general fund at the end of the biennium ending June 30, 1965, as in other cases provided.

**Section 4.** This Act is effective upon passage and approval.

Approved February 10, 1965.

**CHAPTER 49**

Original House Bill No. 197

**DRIVE-IN LIQUOR STORES**

AN ACT permitting sales and delivery of alcoholic and/or malt beverages in a part of a drive-in area; providing safeguards and regulations; and providing for restrictions upon or denial of the right to use such area for said purposes.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Requirements**

**Section 1.** A drive-in area adjacent or contiguous to the licensed room may be used by the holder of a retail liquor license for taking orders, making delivery of, and receiving payment for alcoholic and/or malt beverages under the following conditions and safeguards: The holder of the retail liquor license shall own the area or hold a written lease for the period for which the license was issued; no part of the area used for orders, delivery and making payment shall be more than forty feet distant from the licensed room; the area shall be well lighted and subject to inspection by the licensing authority at any and all times; no walls or screens shall interfere with observing and checking the part of the area used for orders, delivery and payment; no order shall be received from or delivery made to a minor or intoxicated person in the area; no part of a sidewalk, highway, street or alley shall be used for orders, sales or delivery; alcoholic and/or malt beverages shall be sold and delivered in said area only in the original, unopened package and consumption of alcoholic and/or malt beverages in said drive-in area shall not be permitted.

**Restrictions or Denial of Use**

**Section 2.** It shall be the duty of the agents and officers of the governing body which grants the retail liquor license to determine whether traffic conditions or the difficulty of checking sales and delivery or violations of safeguards should require a decision forbidding or restricting sales and delivery in any drive-in area, and if by resolution the right to use such drive-in areas is forbidden or restricted that resolution shall be complied with by the licensee.

Approved February 10, 1965.

**CHAPTER 50**

Original House Bill No. 140

**SCHOOL BUSES — WARNING LIGHTS**

AN ACT to amend and re-enact subsection (a), Section 31-196, Wyoming Statutes 1957, relating to special lighting equipment on school buses; to provide for the use of red flashing lights both to the front and rear on school buses; and establishing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Lighting Standards; Red Flashing Signals, When to be Used**

**Section 1.** That subsection (a), Section 31-196, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(a) The Superintendent is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of this Act, but supplemental thereto; and except that such standards and specifications shall designate the use of red flashing warning signal lights to the front and rear on school buses for the purpose of indicating when children are boarding or alighting from any said bus. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

**Section 2.** This Act shall become effective August 15, 1965.

Approved February 11, 1965.

**CHAPTER 51**

Original House Bill No. 217

**ACCESS FACILITIES**

AN ACT to amend and re-enact Section 24-79, Wyoming Statutes 1957, excepting Acts necessitated by emergency from Acts prohibited in driving on, over or upon an access facility.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Improper Driving on Access Facilities Defined; Exception for Emergency; Penalty**

**Section 1.** That Section 24-79, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

It shall be unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on access facilities; (2) to make a left turn, a semi-circular, or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the access facility proper; provided, however, that the performance of an act herein prohibited shall not be unlawful if necessitated by an emergency resulting from the then existing condition of such access facility or local service road. If access to the facility is made by means of cutting or removal of a fence or gate, the person so doing shall be liable for the repair or replacement thereof under the direction of the Wyoming Highway Department. Any person who violates any of the provisions of



this section shall be guilty of a misdemeanor and upon arrest and conviction therefor shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100).

Approved February 11, 1965.

## CHAPTER 52

Original House Bill No. 65

### MUZZLE LOADING RIFLES

AN ACT to amend and re-enact Section 23-101, Wyoming Statutes 1957, relating to guns to be used in hunting game animals, and providing for the use of muzzle loading rifles.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Use Permitted; Violation; Penalty

Section 1. That Section 23-101, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

23-101. (a) It shall be unlawful for any person to hunt, shoot or kill any of the game animals of the state with any rifle or firearm except the following:

(A) A firearm which has a barrel bore diameter of at least twenty-three hundredths (.23) of an inch and is chambered to fire a center-fire cartridge not less than two inches in overall length, including a soft or expanding point bullet seated to a normal depth; or

(B) A muzzle loading rifle which has a barrel bore diameter of at least forty hundredths (.40) of an inch and a charge of at least fifty (50) grains of black powder.

(b) Any person convicted of a violation of the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment in the discretion of the court.

Approved February 11, 1965

## CHAPTER 53

Original House Bill No. 156

### INTERSTATE BUS REGISTRATION

AN ACT providing for the proportional registration of motor passenger buses engaged in interstate commerce or combined interstate and intrastate commerce; providing that such registration shall be with the motor vehicle division of the board of equalization; prescribing the powers, duties, authority and jurisdiction of the motor vehicle division of the board of equalization

in relation thereto; and providing for proportional distribution of the county fees collected among the counties on the basis of route miles in each county.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **May Register with Board of Equalization**

**Section 1.** Any owner or lessee engaged in operating one or more fleets of motor passenger buses, each consisting of three (3) or more passenger buses, in interstate commerce or combined interstate and intrastate commerce may, in lieu of registering such buses with the county treasurer as provided for in sections 31-16 and 31-19, Wyoming Statutes 1957, as amended, and in Sections 39-228 through 39-232 inclusive, Wyoming Statutes 1957, register and license each such fleet for operation in this state with the motor vehicle division of the board of equalization in the manner provided by this Act. For the purpose of this Act a "fleet" shall include only those buses which actually travel a portion of their total miles in this state.

#### **Registration Procedure; Information to be Submitted**

**Section 2. (a)** Any owner or lessee engaged in operating one or more fleets of motor passenger buses as described in section 1 of this Act may register and license each such fleet for operation in this state by filing a verified application with the director of the motor vehicle division of the board of equalization which shall contain the following information and such other information pertinent to the registration of such buses as the motor vehicle division may require:

(i) Total fleet miles, which shall be the total number of miles operated in all states during the preceding year by the buses in such fleet during said year.

(ii) In-state miles, which shall be the total number of miles operated in this state during the preceding year by the buses in such fleet during said year.

(iii) A description and identification of each bus of such fleet which is to be operated in this state during the registration year for which proportional fleet registration is requested.

(iv) The information required by section 31-16, Wyoming Statutes 1957, as amended, to be included in applications for registration.

(v) The route or routes over which said fleet will be operated within the state of Wyoming and route miles in each county, which shall be the mileage of said route or routes located within each county.

(b) The application for each fleet shall be accompanied by a total fee payment computed as follows:

(i) Divide in-state miles by total fleet miles.

(ii) Determine the total amount necessary to register each and every bus in the fleet for which registration is requested based on the regular county registration fees prescribed by section 31-16, Wyoming Statutes 1957, as amended.

(iii) Multiply the sum obtained under subsection (b) (ii) hereof

by the fraction obtained under subsection (b) (i) hereof, the result of which for each bus registered shall not be less than the minimum county registration fee required by section 31-16, Wyoming Statutes 1957, as amended.

(iv) Add the sum obtained under subsection (b) (iii) hereof to the total state registration fees necessary to register each and every bus in the fleet for which registration is requested based on the regular state registration fees prescribed in section 31-18, Wyoming Statutes 1957, as amended. The total sum thus arrived at shall be the fee payment to accompany the registration application.

(c) As used in this section, the term "preceding year" shall mean a period of twelve (12) consecutive months fixed by the motor vehicle division, which period shall be within the sixteen (16) months immediately preceding the commencement of the registration of license year for which registration is sought.

#### **License Plate or Sticker to be Issued; Intrastate Activity**

**Section 3.** (a) Notwithstanding and in lieu of the provisions of sections 31-49 through 31-52, Wyoming Statutes 1957, the motor vehicle division shall register the buses so described and identified and shall issue a license plate or plates, or a distinctive sticker or other suitable identification device, in such form as prescribed by the motor vehicle division of the board of equalization, for each bus described in the application upon payment of the appropriate fees for such application. A registration card shall be issued for each proportionally registered bus, which card shall, in addition to the information regularly required on a registration card, bear upon its face the number of the license, distinctive sticker or other device issued for such proportionally registered bus and shall be carried in such bus at all times.

(b) Proportionally registered interstate fleet buses so registered and identified shall be deemed to be fully licensed and registered in this state for any type of movement or operation, except that, in those instances in which a grant of authority is required for intrastate movement or operation, no such vehicle shall be operated in intrastate commerce in this state unless the owner or operator thereof has been granted intrastate authority or rights by the Wyoming public service commission and unless said vehicle is being operated in conformity with such authority or rights.

#### **Recently Acquired Buses**

**Section 4.** Buses acquired by the owner or lessee after the commencement of the registration year and subsequently added to a proportionally registered fleet shall be proportionally registered by applying the mileage percentage used in the original application for such fleet for such registration period to the regular registration fees due with respect to such bus for the remainder of the registration year.

#### **Preservation of Records; Audits**

**Section 5.** Any owner or lessee whose application for proportional registration has been accepted shall preserve the records on

which the application is based for a period of four (4) full years following the year or period upon which said application is based. Upon request of the motor vehicle division, the owner or lessee shall make such records available to the motor vehicle division at its office for audit as to accuracy or computation and payment, or to pay the reasonable costs of an audit at the home office of the owner or lessee by a duly appointed representative of the motor vehicle division. The motor vehicle division may enter into agreements with agencies of other states administering motor vehicle registration laws for joint audits of any such owner or lessee.

#### **Distribution of Fees**

**Section 6.** The motor vehicle division shall distribute the county registration fees collected hereunder from each fleet to the county treasurers of the various counties in which each fleet is to be operated, each county to receive the same proportion of the county fee collected for each fleet as the route miles of said fleet in each county bear to the total route miles of said fleet in this state. The county treasurer shall, upon receipt of said county fees, credit them to the motor vehicle fund provided for in section 31-49, Wyoming Statutes 1957, and shall distribute them in the manner provided in said section. All state registration fees collected by the motor vehicle division under the provisions of this Act shall be paid into the state treasury and the state treasurer shall credit the same to the state highway fund.

#### **Rules and Regulations**

**Section 7.** The board of equalization may adopt such reasonable rules and regulations as it shall deem necessary for the administration and enforcement of the provisions of this Act.

#### **Limitations of Act**

**Section 8.** The provisions of this Act shall apply only to county and state registration fees and shall not apply to compensatory fees for the use of highways or to the public service commission fees.

Approved February 11, 1965.

### **CHAPTER 54**

Original House Bill No. 163

#### **UNIFORM TRUSTEES' POWERS ACT**

AN ACT providing for the powers of trustees, preserving certain judicial powers, providing for the exercise of powers by joint trustees, defining the rights of third persons dealing with trustees, and providing for the application of the Act, and a short title.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Definitions**

**Section 1.** As used in this Act:

(1) "trust" means an express trust created by a trust instrument, including a will, whereby a trustee has the duty to administer a trust asset for the benefit of a named or otherwise described income or principal beneficiary, or both; "trust" does not include a resulting or constructive trust, a business trust which provides for certificates to be issued to the beneficiary, an investment trust, a voting trust, a security instrument, a trust created by the judgment or decree of a court, a liquidation trust, or a trust for the primary purpose of paying dividends, interest, interest coupons, salaries, wages, pensions or profits, or employee benefits of any kind, an instrument wherein a person is nominee or escrowee for another, a trust created in deposits in any financial institution, or other trust the nature of which does not admit of general trust administration;

(2) "trustee" means an original, added, or successor trustee;

(3) "prudent man" means a trustee whose exercise of trust powers is reasonable and equitable in view of the interests of income or principal beneficiaries, or both, and in view of the manner in which men of ordinary prudence, diligence, discretion, and judgment would act in the management of their own affairs.

#### **Powers May be Limited by Trust Instrument**

##### **Section 2.**

(a) The Trustee has all powers conferred upon him by the provisions of this Act unless limited in the trust instrument.

(b) An instrument which is not a trust within the meaning of section 1 (1) may incorporate any part of this Act by reference.

#### **Powers and Duty of Trustee**

##### **Section 3.**

(a) From time of creation of the trust until final distribution of the assets of the trust, a trustee has the power to perform, without court authorization, every act which a prudent man would perform for the purposes of the trust including but not limited to the powers specified in subsection (c).

(b) In the exercise of his powers including the powers granted by this Act, a trustee has a duty to act with due regard to his obligation as a fiduciary including a duty not to exercise any power under this Act in such a way as to deprive the trust of an otherwise available tax exemption, deduction or credit for tax purposes or deprive a donor of a trust asset of a tax exemption, deduction or credit or operate to impose a tax upon a donor or other person as owner of any portion of the trust. "Tax" includes, but is not limited to federal, state or local income, gift, estate or inheritance tax.

(c) A trustee has the power, subject to subsections (a) and (b):

(1) to collect, hold and retain trust assets received from a trustor until, in the judgment of the trustee, disposition of the assets should be made; and the assets may be retained even though they include an asset in which the trustee is personally interested;

- (2) to receive additions to the assets of the trust;
- (3) to continue or participate in the operation of any business or other enterprise, and to effect incorporation, dissolution or other change in the form of the organization of the business or enterprise;
- (4) to acquire an undivided interest in a trust asset in which the trustee, in any trust capacity, holds an undivided interest;
- (5) to invest and reinvest trust assets in accordance with the provisions of the trust or as provided by law;
- (6) to deposit trust funds in a bank, including a bank operated by the trustee;
- (7) to acquire or dispose of an asset, for cash or on credit, at public or private sale; and to manage, develop, improve, exchange, partition, change the character of, or abandon a trust asset or any interest therein; and to encumber, mortgage, or pledge a trust asset for a term within or extending beyond the term of the trust, in connection with the exercise of any power vested in the trustee;
- (8) to make ordinary or extraordinary repairs or alterations in buildings or other structures, to demolish any improvements, to raze existing or erect new party walls or buildings;
- (9) to subdivide, develop or dedicate land to public use; or to make or obtain the vacation of plots and adjust boundaries; or to adjust differences in valuation on exchange or partition by giving or receiving consideration; or to dedicate easements to public use without consideration;
- (10) to enter into a lease as lessor or lessee with or without option to purchase or renew for a term within or extending beyond the term of the trust for any purpose;
- (11) to enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement;
- (12) to grant an option involving disposition of a trust asset, or to take an option for the acquisition of any asset;
- (13) to vote a security, in person or by general or limited proxy;
- (14) to pay calls, assessments, and any other sums chargeable or accruing against or on account of securities;
- (15) to sell or exercise stock subscription or conversion rights; to consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of a corporation or other business enterprise;
- (16) to hold a security in the name of a nominee or in other form without disclosure of the trust, so that title to the security may pass by delivery; the trustee is liable for any act of the nominee in connection with the stock so held;
- (17) to insure the assets of the trust against damage or loss, and the trustee against liability with respect to third persons;

(18) to borrow money to be repaid from trust assets or otherwise; to advance money for the protection of the trust, and for all expenses, losses and liabilities sustained in the administration of the trust or because of the holding or ownership of any trust assets, for which advances with any interest the trustee has a lien on the trust assets as against the beneficiary;

(19) to pay or contest any claim; to settle a claim by or against the trust by compromise, arbitration, or otherwise; and to release, in whole or in part, any claim belonging to the trust to the extent that the claim is uncollectible;

(20) to pay taxes, assessments, compensation of the trustee and other expenses incurred in the collection, care, administration and protection of the trust;

(21) to allocate items of income or expense to either trust income or principal, as provided by law, including creation of reserves out of income for depreciation, obsolescence, amortization or for depletion in mineral or timber properties;

(22) to pay any sum distributable to a beneficiary under legal disability, without liability to the trustee, by paying the sum to the beneficiary or by paying the sum for the use of the beneficiary either to a legal representative appointed by the court, or if none, to a relative;

(23) to effect distribution of property and money in dividend or undivided interests and to adjust resulting differences in valuation;

(24) to employ persons, including attorneys, auditors, investment advisors, or agents, even if they are associated with the trustee, to advise or assist the trustee in the performance of his administrative duties; to act without independent investigation upon their recommendations; and instead of acting personally, to employ one or more agents to perform any act of administration, whether or not discretionary;

(25) to prosecute or defend actions, claims or proceedings for the protection of trust assets and of the trustee in the performance of his duties;

(26) to execute and deliver all instruments which will accomplish or facilitate the exercise of the powers vested in the trustee.

#### **Transferability of Office Restricted**

**Section 4.** The trustee shall not transfer his office to another or delegate the entire administration of the trust to a cotrustee or another.

#### **Powers of Court**

##### **Section 5.**

(a) This Act does not affect the power of a court of competent jurisdiction for cause shown and upon petition of the trustee or affected beneficiary and upon appropriate notice to the affected parties to relieve a trustee from any restrictions on his power that

would otherwise be placed upon him by the trust or by this Act.

(b) If the duty of the trustee and his individual interest or his interest as trustee of another trust, conflict in the exercise of a trust power, the power may be exercised only by court authorization (except as provided in subsections (1), (4), (6), (18) and (24) of Section 3 (c)) upon petition of the trustee. For purposes of this section, in the case of a corporate trustee personal profit or advantage to an affiliated or subsidiary company or association is personal profit to the trustee.

### **Joint Trustees**

#### **Section 6.**

(a) Any power vested in 3 or more trustees may be exercised by a majority, but a trustee who has not joined in exercising a power is not liable to the beneficiaries or to others for the consequences of the exercises; and a dissenting trustee is not liable for the consequences of an act in which he joins at the direction of the majority of the trustees, if he expressed his dissent in writing to any of his cotrustees at or before the time of the joinder.

(b) If two or more trustees are appointed to perform a trust, and one or more of them for any reason is unable to or refuse to accept the appointment, or, having accepted, ceases to be a trustee, the surviving or remaining trustees shall perform the trust and succeed to all the powers, duties and discretionary authority given to the trustees jointly.

(c) This section does not excuse a cotrustee from liability for failure either to participate in the administration of the trust or to attempt to prevent a breach of trust.

### **Status of Third Persons**

**Section 7.** With respect to a third person dealing with a trustee or assisting a trustee in the conduct of a transaction, the existence of trust powers and their exercise by the trustee may be assumed without inquiry. The third person is not bound to inquire whether the trustee has power to act or is properly exercising the power, and a third person, without actual knowledge that the trustee is exceeding his powers or improperly exercising them, is fully protected in dealing with the trustee as if the trustee possessed and properly exercised the powers he purports to exercise. A third person is not bound to assure the proper application of trust assets paid or delivered to the trustee.

### **When Act Applicable**

**Section 8.** Except as specifically provided in the trust, the provisions of this Act apply to any trust established before or after the effective date of this Act and to any trust asset acquired by the trustee before or after the effective date of this Act.

### **Construction of Act to be Uniform**

**Section 9.** This Act shall be construed to effectuate its general purpose to make uniform the law of those states which enact it.



**Short Title**

**Section 10.** This Act may be cited as the "Uniform Trustees' Powers Act."

Approved February 11, 1965.

**CHAPTER 55**

Original House Bill No. 184

**PRIVATE MOTOR CARRIER**

AN ACT to amend and re-enact subsection (p) of Section 37-131, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 27, Session Laws of Wyoming 1959, relating to private motor carriers.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Definition**

**Section 1.** That subsection (p) of Section 37-131, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 27, Session Laws of Wyoming 1959, is amended and re-enacted to read as follows:

(p) Private Motor Carrier. Any motor carrier, other than a common, contract or interstate motor carrier, transporting, without reward or compensation for such transportation over the highways of this State his employees or property of which such person is the owner, lessee or bailee for the purpose of sale, lease, rent or bailment, used in the furtherance of any commercial enterprise; or the transportation of tools of the trade having a total weight of more than two hundred (200) pounds. For the purpose of this Section the term commercial enterprise shall mean activities of those persons engaged in the exchange, purchase or selling of commodities in related financial transactions, and the term tools of the trade shall mean any article necessary to a person in the efficient prosecution of his trade or calling.

Approved February 11, 1965.

**CHAPTER 56**

Original Senate File No. 139

**CASPER ARMORY SITE**

AN ACT directing the conveyance of the Casper armory site and improvements to the Casper Community College District.

*Be It Enacted by the Legislature of the State of Wyoming:*

**To be Conveyed to Casper Community College District**

**Section 1.** The State Military Board is authorized and directed

to convey the Casper armory site, located within the city of Casper, together with the improvements thereon, to the Casper Community College District. The conveyance to be made when the State Military Board determines that the land and the improvements are no longer of use to the Wyoming National Guard; provided, however, the conveyance shall be made not later than ten (10) years from the effective date of this Act.

#### **Description of Site**

**Section 2.** The Casper armory site is described as:

That tract of land situate and lying in the northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Sixteen (16), Township Thirty-three (33) North, Range Seventy-nine (79) West of the Sixth Principal Meridian, within the City of Casper, Natrona County, Wyoming, and more particularly described as commencing at the northwest corner of lot numbered one (1), in block numbered seven (7) of Community Park Addition to the City of Casper aforesaid, which is the place of beginning, running thence easterly along the section line of Section 16 aforesaid to a point 30 feet west of the Northeast corner of the NW $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 16 aforesaid; thence at right angles southerly on a straight line parallel to and 30 feet distant from the east boundary line of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 16 aforesaid, to the north boundary line of the Community Drive, shown on the recorded plat of said addition, running thence westerly along the north boundary line (being a curved line) of Community Drive aforesaid to the southeast corner of lot numbered 6 in block numbered 7 of Community Park Addition to the City of Casper, aforesaid, thence northerly along the east boundary line of lots numbered one (1), two (2), three (3), four (4), five (5), and six (6), of block numbered seven (7), aforesaid, to the place of beginning; also lots numbered one (1), two (2), three (3), four (4), five (5) and six (6) of block numbered seven (7) of Community Park Addition to the City of Casper, aforesaid, all as the same appears of record on the recorded plat of Community Park Addition to the City of Casper, aforesaid, on file and of record in the office of the county clerk and ex-officio register of deeds of Natrona County, Wyoming.

Approved February 11, 1965.

## **CHAPTER 57**

Original House Bill No. 240

### **TEACHER TRAINING SCHOLARSHIPS**

AN ACT appropriating Ninety Thousand Dollars (\$90,000) for teacher training scholarships for the biennium ending June 30, 1967.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Appropriation; Quantity and Size of Scholarships**

**Section 1.** There is hereby appropriated from any funds in the

state treasury, not otherwise appropriated, the sum of Ninety Thousand Dollars (\$90,000), or so much thereof as may be necessary, to be added to the contingent fund for teacher training scholarships for the biennium ending June 30, 1967, for the purpose of providing not more than three hundred (300) scholarships of Three Hundred Dollars (\$300) each, to be awarded pursuant to provisions of Chapter 24, Session Laws of Wyoming 1959, as amended.

Approved February 12, 1965.

## CHAPTER 58

Original House Bill No. 121

### HEALTH ADVISORY COUNCIL

AN ACT to amend and re-enact Section 35-102, Wyoming Statutes 1957, relating to appointment of an advisory council or councils which will comply with the requirements of P.L. 88-443 and P.L. 88-164; providing for terms of appointment and appointment for unexpired terms; providing for members of the council to receive \$10 each day while attending officially called meetings; and providing for reimbursement of necessary travel and per diem subsistence.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Governor to Appoint Members; Terms; Pay, Travel and Per Diem**

**Section 1.** That Section 35-102, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

The governor shall appoint an advisory council or councils which will comply with the requirements of P.L. 88-443 and P.L. 88-164, to advise and consult with the state board of health in carrying out the administration of these Acts.

One-fourth of the membership of such council or councils shall be appointed for a term of one year, one-fourth for two years, one-fourth for three years and one-fourth for four years, except when appointed to complete an unexpired term. Members whose terms expire shall hold office until appointment of their successors. Members of the council shall receive ten dollars (\$10) each day while attending officially-called meetings of the council and shall be reimbursed for necessary travel and per diem subsistence at the rates established by law and regulations of the state auditor.

Approved February 12, 1965.

**CHAPTER 59**

Original House Bill No. 138

**CONDOMINIUM OWNERSHIP ACT**

AN ACT to be known as the "Condominium Ownership Act", defining terms, and providing for recognition, registration, assessment, operation and enjoyment of a condominium ownership of real property in Wyoming.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Short Title**

**Section 1.** This Act shall be known and may be cited as the "Condominium Ownership Act."

**Condominium Ownership Recognized**

**Section 2.** Condominium ownership of real property is recognized in this state. Whether created before or after the date of this article such ownership shall be deemed to consist of a separate fee simple estate in an individual air space unit of a multi-unit property together with an undivided fee simple interest in common elements. The separate estate of any condominium owner of an individual air space unit and his common ownership of such common elements as are appurtenant to his individual air space unit by the terms of the recorded declaration shall be inseparable for any period of condominium ownership that is prescribed by the said recorded declaration.

**Definition**

**Section 3.** As used in this Act, unless the context otherwise requires:

(1) An "individual air space unit" shall consist of any enclosed room or rooms occupying all or part of a floor or floors in a building of one or more floors to be used for residential, professional, commercial or industrial purposes and which has access to a public street.

(2) (a) Unless otherwise provided in the declaration or by written consent of all the condominium owners, "general common elements" means: The land on which a building or buildings are located; the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances and exits of such building or buildings; the basements, yards, gardens, parking areas and storage spaces; the premises for the lodging of custodians or persons in charge of the property; installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, central air conditioning and incinerating; the elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use; such community and commercial facilities as may be provided for in the declaration; and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

(b) "Limited common elements" mean those common ele-

ments designated in the declaration as reserved for use by fewer than all the owners of the individual air space units.

(3) "Condominium unit" means an individual air space unit together with the interest in the common elements appurtenant to such unit.

(4) "Declaration" is an instrument which defines the character, duration, rights, obligations and limitations of condominium ownership.

**Notice to Assessor; Tax Apportionment; Recording Declaration; Covenants to Run with Land**

**Section 4.** Whenever condominium ownership of real property is created, or separate assessment of condominium units is desired, a written notice thereof shall be delivered to the assessor of the county in which said real property is situated, which notice shall set forth descriptions of the condominium units. Thereafter all taxes, assessments and other charges of this state or of any political subdivision or of any special improvement district or any other taxing or assessing authority shall be assessed against and collected on each condominium unit, each of which shall be carried on the tax books as a separate and distinct parcel for the purpose, and not on the building or property as a whole. The valuation of the general and limited common elements shall be assessed proportionately upon the individual air space unit in the manner provided in the declaration. The lien for taxes assessed to any individual condominium owner shall be confined to his condominium unit and to his undivided interest in the general and limited common elements. No forfeiture or sale of any condominium unit for delinquent taxes, mechanics, laborers or materialmen's liens, assessments or charges shall divest or in any way affect the title of other condominium units.

(1) The declaration shall be recorded in the Office of the County Clerk where the condominium property is located. Such declaration shall provide for the filing for record of a map properly locating condominium units. Any instrument affecting the condominium unit may legally describe it by the identifying condominium unit number or symbol as shown on such map. If such declaration provides for the disposition of condominium units in the event of the destruction or obsolescence of buildings in which such units are situated and restricts partition of the common elements, the rules or laws known as the rule against perpetuities and the rule prohibiting unlawful restraints on alienation shall not be applied to defeat or limit any such provisions.

(2) To the extent that any such declaration shall contain a mandatory requirement that all condominium unit owners shall be members of an association or corporation, or provide for the payment of charges assessed by the association upon condominium units, or the appointment of an attorney-in-fact to deal with the property upon its destruction or obsolescence, any rule of law to the contrary notwithstanding, the same shall be considered as covenants running with the land binding upon all condominium owners and their successors in interest. Any common law rule terminating agency upon death or disability of a principal shall not be applied to defeat or limit any such provisions.

Approved February 12, 1965.

**CHAPTER 60**

Original House Bill No. 171

**CALF INSPECTION**

AN ACT to permit the requiring of inspection of unbranded and freshly-branded calves of the beef breeds before shipment and at their mother's side; to prohibit sale or shipment of such calves without such inspection under certain conditions; and to repeal Sections 11-368 and 11-369, Wyoming Statutes 1957, and Section 11-379, Wyoming Statutes 1957, as amended and re-enacted by Section 24, Chapter 46, Session Laws of Wyoming 1961, pertaining to inspection, sale and shipment of such calves.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Shipper or Seller Shall Show Calves to Brand Inspector**

Section 1. Upon the request of a duly authorized Wyoming Brand Inspector, the shipper or seller shall be required to show at the point of origin and at their mother's side, all unbranded calves, and all calves wearing unpealed brands. If shipment is to market where Wyoming brand inspection is maintained, the usual fee shall be charged for sale ring inspection.

**Inspection by Request of Stockman**

Section 2. All calves unbranded or wearing unpealed brands shall be required to be shown to the Inspector at the point of origin and at their mother's side upon a written request made by a bona fide Wyoming stockman from the immediate area to the District Brand Supervisor of that area, provided such request shall be made at least five (5) days prior to shipment. When inspection is requested, as herein provided, it shall be made immediately before the loading and shipping of the calves. The seller or shipper thereof shall report to the inspector the name and address of the owner and shipper at destination of shipment, mode of transportation, and the name and address of the consignee. The inspector shall make and keep a record thereof and file the same with the Board or its Agency. If shipment is to market where Wyoming brand inspection is maintained, the usual fee shall be charged for sale ring inspection.

**Penalty**

Section 3. Any sale in violation of the provisions of this Act shall be deemed a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100), or imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment, at the discretion of the Court.

**Sections Repealed**

Section 4. Sections 11-368 and 11-369, Wyoming Statutes 1957, and Section 11-379, Wyoming Statutes 1957, as amended and re-enacted by Section 24, Chapter 46, Session Laws of Wyoming 1961, are hereby repealed.

Approved February 12, 1965.

**CHAPTER 61**

Original House Bill No. 204

**BRAND INSPECTION FEES**

AN ACT to amend and re-enact Section 11-350, Wyoming Statutes 1957, as amended and re-enacted by Section 9, Chapter 46, Session Laws of Wyoming 1961, relating to the fees collected for brand inspection and providing for gratis inspection in certain cases, and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Fee Schedule; Gratis Inspection**

Section 1. That Section 11-350, Wyoming Statutes 1957, as amended and re-enacted by Section 9, Chapter 46, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

For making an inspection for brands and ownership, as required by this Act, the board shall charge and collect an inspection fee of twenty cents (20c) per head on all horses, mules, cattle, and colts inspected, including unbranded animals and calves running with their mothers; provided that when the owner of such livestock, or his agent, is moving such livestock to an accustomed range in another state, there is no change of ownership, and such movement would not be permissible under Section 11-358, Wyoming Statutes 1957, he may make application to the board for gratis inspection on the basis of such accustomed range. When it has been shown to the satisfaction of the board that the place to which such livestock are to be moved is an accustomed range of at least two (2) years and that there is no change of ownership, the board may issue to the owner, or his agent, a permit authorizing a brand inspector to inspect such livestock without fee. Such permit shall be issued for the calendar year.

Section 2. This Act shall become effective March 1, 1965.

Approved February 12, 1965.

**CHAPTER 62**

Original House Bill No. 53

**WATER WELL CONSTRUCTION**

AN ACT repealing Section 41-145, Wyoming Statutes 1957, relating to construction of other water wells without a permit when supply is inadequate.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Former Law Repealed**

Section 1. That Section 41-145, Wyoming Statutes 1957, be and is hereby repealed.

Approved February 12, 1965.

**CHAPTER 63**

Original House Bill No. 98

**COMMUNITY COLLEGE COMMISSION**

AN ACT providing for an appropriation to be made to the Community College Commission for distribution to Community Colleges and Junior Colleges in existence prior to January 1, 1965.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Appropriation; Distribution**

**Section 1.** There is hereby appropriated from any funds in the State Treasury not otherwise appropriated, the sum of One Million Two Hundred Forty-five Thousand Dollars (\$1,245,000) to the Community College Commission of Wyoming. The total appropriation shall be so divided that Forty-six Per Cent (46%) of said sum of One Million Two Hundred Forty-five Thousand Dollars (\$1,245,000) shall be distributed during the first year of the biennium and the balance of said appropriation consisting of Fifty-four Per Cent (54%) of the total shall be distributed during the second year of the biennium. Both annual distributions shall be made in the following manner; Each year of the biennium Two Hundred Fifty Thousand Dollars (\$250,000) first will be distributed on a flat grant basis to the five (5) Community Colleges, to wit: Casper College, Goshen County Community College, Northwest Community College, Western Wyoming Community College and Northern Wyoming Community College in equal amounts of Fifty Thousand Dollars (\$50,000) each, and the balance of each such annual allotment shall be distributed to the aforesaid Community Colleges on a per-student basis, taking into account the actual and certified enrollments, at the time, of in-state students only, according to a formula to be determined by the Community College Commission of Wyoming.

Approved February 12, 1965.

**CHAPTER 64**

Original House Bill No. 122

**ETCHEVERRY WATER APPROPRIATION**

AN ACT to authorize and empower the State Engineer of Wyoming to approve the application of Peter and John Etcheverry to divert and appropriate the underground water of the State of Wyoming for the original and supplemental irrigation of lands in the State of Idaho, and for other beneficial uses.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Application to Appropriate Water to be Approved**

**Section 1.** That the State Engineer of the State of Wyoming is hereby authorized to approve when prepared in proper form and accompanied by such maps, plans, and specifications as are required by the State Engineer, the application of Peter and John Etcheverry,



granting them the right to divert and appropriate through the Etcherry #2 Well, located in Lot 2 (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 2, T.26N., R.120W. of the 6th P.M., Wyoming, not to exceed 3,000 gallons per minute for use for irrigation on not to exceed 613.26 acres of land in the State of Idaho, and such other reasonable domestic and stock uses as are recognized as beneficial uses under Wyoming law.

#### **Board of Control to Adjudicate Rights**

**Section 2.** The Board of Control is hereby authorized and empowered to adjudicate the water rights under the application made pursuant to Section 1, when approved by the State Engineer, on proper showing of completion of the project.

**Section 3.** This authorization is made in conformity with the provisions of Sections 41-151 and 41-152, Wyoming Statutes 1957.

Approved February 12, 1965.

### **CHAPTER 65**

Original House Bill No. 252

#### **BAUMAN RANCH WATER APPROPRIATION**

AN ACT to authorize and empower the State Engineer of Wyoming to approve the application of the Bauman Ranch to divert and appropriate the underground water of the State of Wyoming for the irrigation of lands in the State of Colorado.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Application to Appropriate Water to be Approved; Limitation**

**Section 1.** The State Engineer of the State of Wyoming is hereby authorized to approve when prepared in proper form and accompanied by such plans and specifications as are required by the State Engineer, the application of Bauman Ranch, granting it the right to divert and appropriate through the Bauman No. 13 Well, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 17, Township 12 North, Range 61 West of the 6th Principal Meridian, Wyoming, not to exceed 800 gallons per minute for use for irrigation on not to exceed 138 acres of land in the State of Colorado. Provided, however, that this authority shall not be valid if the State of Colorado does not grant reciprocal authority for similar diversions and appropriations of Colorado underground water to be used in Wyoming.

#### **Board of Control to Adjudicate Rights**

**Section 2.** The Board of Control is hereby authorized and empowered to adjudicate the water rights under the application made pursuant to Section 1, when approved by the State Engineer, on proper showing of completion of the project.

**Section 3.** This authorization is made in conformity with the provisions of Sections 41-151 and 41-152, Wyoming Statutes 1957.

Approved February 12, 1965.

**CHAPTER 66**

Original House Bill No. 182

**WEATHER MODIFICATION**

AN ACT to amend and re-enact Section 9-271, Wyoming Statutes 1957, relating to permits for weather modification experiments and activities, payment of fees therefor, and qualifications of permittees; repealing Section 9-272 relating to registration certificates.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Permit; Fees; Qualification of Permittees**

**Section 1.** That Section 9-271, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

A separate permit shall be issued for each experiment or activity within a specific period of time and shall be revocable by the state engineer upon recommendation of the board, in accordance with such procedures as the board shall establish. A fee of Twenty-five Dollars (\$25.00) shall be charged for each permit, or renewal thereof, so issued. Fees so received by the board may be used by the board in paying part or all of its administrative expenses. A permit shall be issued only to a person, or persons, who is a registered professional engineer, with a showing of qualifications in the atmospheric sciences, pursuant to Chapter 25, Title 33, of Wyoming Statutes 1957.

**Section Repealed**

**Section 2.** That Section 9-272, Wyoming Statutes 1957, is hereby repealed.

Approved February 12, 1965.

**CHAPTER 67**

Original House Bill No. 183

**PARENTAL RIGHTS**

AN ACT to amend and re-enact Section 14-58, Wyoming Statutes 1957, relating to court order terminating parental rights; providing that the order is conclusive from the date of entry.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Court Order Terminating Rights; To Be Conclusive**

**Section 1.** That Section 14-58, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Every order of the court transferring the permanent care, control and custody of a child, or terminating the rights of the parents or of a parent with reference to a child, shall be in writing and shall recite the jurisdictional facts, and shall establish the legal residence of the child. Every such order shall be conclusive and binding on all persons and in all proceedings from the date of entry thereof.

Approved February 12, 1965.

**CHAPTER 68**

Original Senate File No. 83

**MUNICIPAL BUDGET ACT**

AN ACT amending and re-enacting Section 9-526, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 6, and Section 1, Chapter 132, Session Laws of Wyoming 1959, relating to the Municipal Budget Act, providing for the exclusion of Community and Junior College Districts; authorizing and directing the Community College Commission of Wyoming to establish budgetary and audit procedures for Community and Junior College Districts, excluding such districts from the Municipal Budget Act; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Municipality Defined; Community and Junior College Exception**

**Section 1.** That Section 9-526, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 6, and Section 1, Chapter 132, Session Laws of Wyoming 1959, is amended and re-enacted to read as follows:

The word "municipality" as used in this Act shall be held to include and mean all cities, which have attained a population of more than 4,000 inhabitants as ascertained and certified as provided by Section 15-32, Wyoming Statutes 1957, or as shown by the last Federal decennial census, first class school districts, counties, including county hospitals, county libraries, county fair associations in the State of Wyoming, and all special purpose districts having the power to levy or require the levy of taxes, excepting school districts not already included under this Act, Community College Districts and Junior College Districts. This Act shall apply to all such municipalities.

**Community College Commission to have Budget and Audit Function**

**Section 2.** The Community College Commission of Wyoming is authorized and directed to establish budgetary and audit procedures for all Community College Districts and Junior College Districts in the State of Wyoming and all presently existing and hereafter formed Community and Junior College Districts shall comply with said budgetary and audit procedures so established by the Community College Commission of Wyoming.

**Exclusions from Act**

**Section 3.** Community College Districts and Junior College Districts presently existing and hereafter formed are specifically excluded from the Municipal Budget Act, Section 9-525 through 9-540, Wyoming Statutes 1957, as amended.

**Section 4.** This Act shall take effect from and after July 1, 1965.

Approved February 12, 1965.

**CHAPTER 69**

Original Senate File No. 85

**SALES TAX DEFINITIONS**

AN ACT amending and re-enacting Subsection (f), Section 39-287, Wyoming Statutes 1957, relating to definitions of certain words and phrases under the sales tax laws, and including therein processors for purposes of certain exemptions; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Exemptions**

**Section 1.** That Subsection (f), Section 39-287, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(f) (i) Exempt sales. —Each purchase of tangible personal property or product made by a person engaged in the business of manufacturing, processing, compounding for sale, profit or use, any article, substance or commodity which directly enters into and becomes an ingredient or component part of the tangible personal property or product which he manufactures, processes, compounds, or the furnished container, label, or the shipping case thereof, shall be deemed a wholesale sale and shall be exempt from taxation under this Act.

(ii) Each purchase of power and/or fuel or any substitute for the same, made by a person engaged in the business of manufacturing, processing or agriculture and consumed directly in manufacturing or processing or by a person engaged in the transportation business and consumed directly in generating motive power for actual transportation purposes, shall be deemed a wholesale sale and shall be exempt from taxation under this Act.

(iii) For the purpose of this Act, all purchases of livestock; feeds for use in feeding livestock or poultry for marketing purposes; all seeds, roots, bulbs, small plants and fertilizer planted or applied to land, the products from which are to be sold, are deemed to be wholesale sales, exempt from taxation under this Act.

(iv) Each purchase of services are defined in Section 4 (b) of this Act, by a person engaged in compounding and selling a service of a like kind, which is subject to tax under Subsection (b), Section 39-291, Wyoming Statutes 1957, and directly used in compounding such taxable service shall be deemed a wholesale sale and shall be exempt from taxation under this Act.

**Section 2.** This Act shall take effect and be in force from and after its passage.

Approved Feb. 12, 1965.

**CHAPTER 70**

Original House Bill No. 199

**INTERSTATE LIBRARY PACT — NO. 1**

AN ACT entering into the Interstate Library Compact, enacting the same into law, and for related purposes.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Enactment of Compact**

**Section 1.** The Interstate Library Compact is hereby enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

**INTERSTATE LIBRARY COMPACT****Article I**

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis, and to authorize cooperation and sharing among localities, states and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

**Article II**

As used in this compact:

- (a) "Public library agency" means any unit or agency of local or state government operating or having power to operate a library.
- (b) "Private library agency" means any nongovernmental entity which operates or assumes a legal obligation to operate a library.
- (c) "Library agreement" means a contract establishing an interstate library district pursuant to this compact or providing for the joint or cooperative furnishing of library services.

**Article III**

(a) Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to the provisions of this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library

agency or agencies within an interstate library district may cooperate therewith, assume duties, responsibilities and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.

(b) Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

(c) If a library agreement provides for joint establishment, maintenance or operation of library facilities or services by an interstate library district, such district shall have power to do any one or more of the following in accordance with such library agreement:

1. Undertake, administer and participate in programs or arrangements for securing, lending or servicing of books and other publications, any other materials suitable to be kept or made available by libraries, library equipment or for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof.

2. Accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, (conditional or otherwise), from any state of the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and receive, utilize and dispose of the same.

3. Operate mobile library units or equipment for the purpose of rendering bookmobile service within the district.

4. Employ professional, technical, clerical and other personnel, and fix terms of employment, compensation and other appropriate benefits; and where desirable, provide for the inservice training of such personnel.

5. Sue and be sued in any court of competent jurisdiction.

6. Acquire, hold, and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service.

7. Construct, maintain and operate a library, including any appropriate branches thereof.

8. Do such other things as may be incidental to or appropriate for the carrying out of any of the foregoing powers.

#### Article IV

(a) An interstate library district which establishes, maintains or operates any facilities or services in its own right shall have a governing board which shall direct the affairs of the district and act for it in all matters relating to its business. Each participating public library agency in the district shall be represented on the governing

board which shall be organized and conduct its business in accordance with provision therefor in the library agreement. But in no event shall a governing board meet less often than twice a year.

(b) Any private library agency or agencies party to a library agreement establishing an interstate library district may be represented on or advise with the governing board of the district in such manner as the library agreement may provide.

#### Article V

Any two or more state library agencies of two or more party states may undertake and conduct joint or cooperative library programs, render joint or cooperative library services, and enter into and perform arrangements for the cooperative or joint acquisition, use, housing and disposition of items or collections of materials which, by reason of expense, rarity, specialized nature, or infrequency of demand therefor would be appropriate for central collection and shared use. Any such programs, services or arrangements may include provision for the exercise on a cooperative or joint basis of any power exercisable by an interstate library district and an agreement embodying any such program, service or arrangement shall contain provisions covering the subjects detailed in Article VI of this compact for interstate library agreements.

#### ARTICLE VI

(a) In order to provide for any joint or cooperative undertaking pursuant to this compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this compact shall, as among the parties to the agreement:

1. Detail the specific nature of the services, programs, facilities, arrangements or properties to which it is applicable.
2. Provide for the allocation of costs and other financial responsibilities.
3. Specify the respective rights, duties, obligations and liabilities of the parties.
4. Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

(b) No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement any power prohibited to such agency by the constitution or statutes of its state.

(c) No library agreement shall become effective until filed with the compact administrator of each state involved, and approved in accordance with Article VII of this compact.

#### Article VII

(a) Every library agreement made pursuant to this compact

shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within ninety days of its submission shall constitute approval thereof.

(b) In the event that a library agreement made pursuant to this compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorneys general pursuant to paragraph (a) of this article. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to an approval by the Attorneys General.

#### Article VIII

Nothing in this compact or in any library agreement shall be construed to supersede, alter or otherwise impair any obligation imposed on any library by otherwise applicable law, nor to authorize the transfer or disposition of any property held in trust by a library agency in a manner contrary to the terms of such trust.

#### Article IX

(a) Any public library agency party to a library agreement may appropriate funds to the interstate library district established thereby in the same manner and to the same extent as to a library wholly maintained by it and, subject to the laws of the state in which such public library agency is situated, may pledge its credit in support of an interstate library district established by the agreement.

(b) Subject to the provisions of the Library agreement pursuant to which it functions and the laws of the state in which such district is situated, an interstate library district may claim and receive any state and federal aid which may be available to library agencies.

#### Article X

Each state shall designate a compact administrator with whom copies of all library agreements to which his state or any public library agency thereof is party shall be filed. The administrator shall have such other powers as may be conferred upon him by the



laws of his state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact. If the laws of a party state so provide, such state may designate one or more deputy compact administrators in addition to its compact administrator.

#### Article XI

(a) This compact shall enter into force and effect immediately upon its enactment into law by any two states. Thereafter, it shall enter into force and effect as to any other state upon the enactment thereof by such state.

(b) This compact shall continue in force with respect to a party state and remain binding upon such state until six months after such state has given notice to each other party state of the repeal thereof. Such withdrawal shall not be construed to relieve any party to a library agreement entered into pursuant to this compact from any obligation of that agreement prior to the end of its duration as provided therein.

#### Certain Local Laws to be Applied

**Section 2.** No city, town, county, school district or public district of any sort of this state shall be party to a library agreement which provides for the construction or maintenance of a library pursuant to Article III, subdivision (c-7) of the compact, nor pledge its credit in support of such a library, or contribute to the capital financing thereof, except after compliance with any laws applicable to such cities, towns, counties, school districts or public districts of any sort relating to or governing capital outlays and the pledging of credit.

#### State Library Agency; Definition

**Section 3.** As used in the compact, "state library agency," with reference to this state, means State Library, Archives and Historical Board.

#### Apportioning Funds to Interstate Districts

**Section 4.** An interstate library district lying partly within this state may claim and be entitled to receive state aid in support of any of its functions to the same extent and in the same manner as such functions are eligible for support when carried on by entities wholly within this state. For the purpose of computing and apportioning state aid to an interstate library district, this state will consider that portion of the area which lies within this state as an independent entity for the performance of the aided function or functions and compute and apportion the aid accordingly. Subject to any applicable laws of this state, such a district also may apply for and be entitled to receive federal aid for which it may be eligible.

#### Compact Administrator; Deputies

**Section 5.** The Governor shall appoint an officer of this state who shall be the compact administrator pursuant to Article X of the compact. The Governor may also appoint one or more deputy compact administrators pursuant to said article.

**Withdrawal Notices**

**Section 6.** In the event of withdrawal from the compact the Governor shall send and receive any notices required by Article XI (b) of the compact.

This Act became law without the signature of the Governor on February 13, 1965, in accordance with Article IV, Section 8, of the Constitution of Wyoming.

**CHAPTER 71**

Original House Bill No. 205

**TRAVEL EXPENSE — JURORS**

AN ACT to amend and re-enact Section 1-135, Wyoming Statutes 1957, relating to the travel expenses of jurors in district court.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Allowance Permitted**

**Section 1.** That Section 1-135, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

For each mile actually and necessarily traveled in going to and returning from the place of trial, they shall receive the sum of ten cents, when the distance so actually and necessarily traveled shall exceed five miles.

Approved February 16, 1965.

**CHAPTER 72**

Original House Bill No. 241

**WYOMING ACKNOWLEDGMENT ACT**

AN ACT to be known as the "Wyoming Acknowledgment Act"; to provide a uniform certificate of acknowledgment; to validate certain certificates of acknowledgment; and to repeal Section 34-50, Wyoming Statutes 1957, and all other laws or parts of laws in conflict therewith; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Short Title**

**Section 1.** This Act shall be known as the "Wyoming Acknowledgment Act".

**Form of Acknowledgment**

**Section 2.** A certificate of acknowledgment substantially in the following form shall be sufficient for all instruments conveying,

mortgaging or otherwise disposing of or encumbering real estate, including homestead property, and shall be sufficient for all other instruments affecting title to real estate and all other instruments required by the laws of this state to be acknowledged:

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) :SS

The foregoing instrument was acknowledged before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

**Witness my hand and official seal.**

**Title of officer**

**My Commission Expires:**\_\_\_\_\_

## Contents of Implied Certification

**Section 3.** Every certificate of acknowledgment substantially in the form provided for in Section 2 of this Act shall for all purposes be deemed to be a certification by the officer making the certificate that

(a) If the instrument to which the same is affixed was executed by natural persons acting in their own right: that such person or persons personally appeared before such officer, were known to him to be the person or persons described in and who executed such instrument, and that such person or persons acknowledged that the same was executed and acknowledged freely and voluntarily.

(b) If the instrument to which the certificate is affixed was executed by an attorney-in-fact acting for a natural person: that such attorney personally appeared before such officer, was known by such officer to be the party who executed such instrument on behalf of such natural person, and that such attorney acknowledged that such instrument was executed and acknowledged as the free and voluntary act of such natural person.

(c) If the instrument to which the certificate is affixed was executed by a corporation or a joint-stock association: that the president or other official who signed such instrument on behalf of such corporation or association appeared before and was personally known to the officer making the certificate, and was by him duly sworn and upon oath represented that he was the president or other officer or agent of such corporation or association, that the seal affixed to the instrument is the corporate seal of such corporation or association, that the instrument was signed and sealed on behalf of such corporation or association by the authority of the board of directors or trustees thereof, and that the officer who executed such instrument on behalf of the corporation or association acknowledged said instrument to be the free act and deed of the corporation or association. If such corporation or association has no corporate seal a recital to that effect shall be inserted at the end of the certificate by the officer making the same.

**Acknowledgments Saved**

**Section 4.** Any instrument conveying, mortgaging, or otherwise disposing of or encumbering real estate, excluding, however, homestead property, and any other instrument affecting title to real estate, and any other instrument required by the laws of this state to be acknowledged, which shall have been acknowledged within this state prior to the effective date of this Act, the certificate of acknowledgment of which shall contain language to the general effect that the instrument was acknowledged by the party or parties signatory thereto, shall for all purposes be conclusively deemed and regarded as having properly acknowledged on and as of the date of the acknowledgment thereof.

**Out of State Acknowledgments**

**Section 5.** Any instrument conveying, mortgaging, or otherwise disposing of or encumbering real estate, excluding, however, homestead property, and any other instrument affecting title to real estate, and any other instrument required by the laws of this state to be acknowledged, which, prior to or after the effective date of this Act, shall have been acknowledged out of this state before an officer empowered to take acknowledgments by the laws of the state, territory, or foreign country where the certificate of acknowledgment was made, if the form of such certificate of acknowledgment be in substantial compliance with the laws of the state, territory, or foreign country where taken or with the requirements of the laws of this state, shall for all purposes be conclusively deemed and regarded to be properly acknowledged.

**Sections Repealed**

**Section 6.** That Section 34-50, Wyoming Statutes 1957, and all other laws or parts of laws in conflict herewith, are hereby repealed.

**Section 7.** This Act shall take effect and be in force as of January 1, 1966.

Approved February 16, 1965.

**CHAPTER 73**

Original House Bill No. 17

**PARENTAL TORT LIABILITY**

AN ACT to authorize limited financial recovery by the owner from custodial parents for the malicious and wilful damage by their children to the property of others.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Who May Recover; Persons Subject to Liability**

**Section 1.** Any property owner, including any municipal corporation, county, school district, or other political subdivision of the State of Wyoming, or any department or agency of the State of Wyoming, or any person, partnership, corporation or association, or any religious

organization whether incorporated or unincorporated, shall be entitled to recover damages in an amount not to exceed Three Hundred Dollars (\$300) from the parents of any minor under the age of seventeen (17) years and over the age of ten (10), who maliciously and willfully damages or destroys property, real, personal or mixed, belonging to such owner. However, this Act shall not apply to parents whose parental custody and control of such child has been removed by court order, decree or judgment.

#### **Recovery Limit**

**Section 2.** The recovery in such action shall be limited to the actual damages in an amount not to exceed Three Hundred Dollars (\$300), in addition to taxable court costs.

#### **Other Actions Saved**

**Section 3.** The action authorized in this Act shall be in addition to all other actions which the owner is entitled to maintain and nothing in this Act shall preclude recovery in a greater amount from the minor or from any person, including the parents, for damages to which such minor or other person would otherwise be liable, it being the purpose of this Act to authorize recovery from parents, and to limit the amount of recovery, in situations where they would not otherwise be liable.

Approved February 16, 1965.

## **CHAPTER 74**

Original House Bill No. 125

### **PHYSICIANS' WITNESS FEES**

AN ACT to amend and re-enact Section 1-196, Wyoming Statutes 1957, relating to fees of a physician or surgeon testifying before a coroner or other officer or performing a post-mortem examination; providing that a physician or surgeon so called upon shall be entitled to a fee of \$25.00 for each half day or portion thereof and shall be entitled to a fee of \$75.00 for each post-mortem examination or autopsy actually made.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Fees Authorized; Coroner's Hearing; Autopsy**

**Section 1.** That Section 1-196, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Any physician or surgeon who may be called upon to testify as an expert before a coroner, or other officer, shall be entitled to a fee of Twenty-five Dollars for each half day or portion thereof, and when called upon to make a post-mortem examination or autopsy shall be entitled to a fee of Seventy-five Dollars; provided, that an autopsy be actually made.

Approved February 16, 1965.

**CHAPTER 75**

Original House Bill No. 286

**TRANSPORTATION OF INDUSTRIAL INSTITUTE INMATES**

AN ACT to amend and re-enact Section 9-403, Wyoming Statutes 1957, relating to the transportation of boys or convicts to the Wyoming Industrial Institute, and providing that employees of the institute may be utilized to provide such transportation.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Institute Employees to be Used; Travel Allowance**

Section 1. That Section 9-403, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

After sentence has been imposed as provided in Section 9-404, Wyoming Statutes 1957, the clerk of the court shall then notify the superintendent of the Wyoming Industrial Institute, who shall dispatch an employee to transport the boy or convict, together with a record of the boy or convict's trial and conviction as made up by the clerk to the Wyoming Industrial Institute at Worland, Wyoming. In the performance of this duty, such employee shall be reimbursed for reasonable travel expenses in accordance with current state policies.

Approved February 16, 1965.

**CHAPTER 76**

Original House Bill No. 150

**MOTOR CARRIER REGISTRATION**

AN ACT to amend and re-enact Subsection (u), Section 37-131, Wyoming Statutes 1957, relating to the definition of unladen weight and to provide determination of unladen weight shall be made for the current registration year; to amend and re-enact Section 37-131, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 90 and Section 1, Chapter 129, Session Laws of Wyoming 1963, by adding thereto a subsection (v) providing for the definition of the term "registration year"; to amend and re-enact Section 37-146, Wyoming Statutes 1957, relating to issuance of motor carrier certificates and to provide certificates shall be renewed on the basis of a registration year; to amend and re-enact Section 37-154, Wyoming Statutes 1957, relating to renewal of contract motor carrier permits and to provide such permits shall be renewed on the basis of a registration year; to amend and re-enact Section 37-168, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 191, Session Laws of Wyoming 1963, and to amend and re-enact Section 2 and Section 3, Chapter 191, Session Laws of Wyoming 1963, all relating to compensatory fees for motor carrier operations and to provide that compensatory fees shall be paid on a registration year basis; and to provide for payment of flat-rate compensatory fees for the months of January and February, 1966, upon renewing a certificate or permit for the registration year which commences March 1, 1966.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Unladen Weight Defined**

**Section 1.** That Subsection (u), Section 37-131, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

(u) Unladen weight. The unladen weight of any vehicle shall be the actual unladen weight of the vehicle, or legal combination of tractors, semi-trailers and trailers, including one power unit, the cab, body fuel tanks not less than one-half full, and all accessories and equipment with which the vehicle or legal combination is equipped for normal use on the highways or forty per cent of the declared gross weight of the vehicle or legal combination including the weight of the maximum load which the operator declares will be carried by said vehicle or combination during the current registration year not to exceed the weight provided for in section 60-803, Wyoming Compiled Statutes, 1945, as amended, whichever is greater.

**Registration Year Defined**

**Section 2.** That Section 37-131, Wyoming Statutes 1957, be amended and re-enacted by adding thereto a subsection (v) as follows:

(v) Registration year. The term "Registration Year" shall be the period of time during which every certificate and permit issued and/or renewed annually and every fee, including compensatory fees, paid annually, under the provisions of this Act, shall be in effect. The registration year 1965 shall remain in effect through February 28, 1966, and thereafter each registration year shall commence on March 1 of each calendar year and run through and until the last day of February in the succeeding calendar year.

**Public Service Commission to Issue Certificate of Convenience and Necessity; Right to Certificate in Certain Cases**

**Section 3.** That Section 37-146, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

Only the commission shall have the power to issue or renew or refuse to issue or renew a certificate or to issue or renew such certificate for the partial exercise of the privilege sought and may attach to the exercise of the privilege granted by any certificate issued or renewed such terms and conditions as it may deem proper and which, in its judgment, it considers to be for the best interest of the public or what the public convenience and necessity require; provided, if any applicant for a certificate or the renewal thereof, hereunder, was on January 1, 1935, and continuously thereafter, or on the beginning of any registration year thereafter, legally operating as a common motor carrier upon any highway of this state and rendering satisfactory service it shall be presumed that the public convenience and necessity require the continuance of such operation and the applicant shall, as a matter of right, upon compliance with the requirements of this Act applicable to such carrier be entitled to certificates or the renewal thereof.

**Continued Operation Entitles Applicant to Permit**

**Section 4.** That Section 37-154, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

Any contract motor carrier who was on January 1, 1935, and continuously thereafter or on the beginning of any registration year thereafter, legally operating as such upon any highway, shall be entitled to a permit or renewal thereof upon application therefor and the payment of the fees provided for herein.

#### **Schedule of Fees for Use of Highways**

**Section 5.** That Section 37-168, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 191, Session Laws of Wyoming 1963, be amended and re-enacted to read as follows:

In addition to all fees and taxes now imposed by authority of law upon all motor vehicles, semi-trailers and trailers, or motor carriers in this state, and in addition to the fees herein provided to be paid to the commission, every motor carrier operating on any state highway shall pay to the state board of equalization, for maintenance, repair and reconstruction of the highways, the following compensatory fees for the use of such state highways:

For motor vehicles or legal combinations of vehicles powered with motors using gasoline for fuel and

(1) Having an unladen weight of four thousand (4,000) pounds or less and for vehicles used exclusively in performing towing and wrecker service in connection with the movement of wrecked or disabled vehicles from highways, the compensatory fee shall be six dollars (\$6.00) per registration year or at the rate of fifty cents (\$.50) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(2) Having an unladen weight of more than 4,000 pounds and less than 6,000 pounds, the compensatory fee shall be twelve dollars (\$12.00) per registration year or at the rate of one dollar (\$1.00) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(3) Having an unladen weight of 6,000 pounds and less than 8,000 pounds, the compensatory fee shall be twenty-four dollars (\$24.00) per registration year or at the rate of two dollars (\$2.00) per month payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(4) Having an unladen weight of 8,000 or more pounds and less than 10,000 pounds, the compensatory fee shall be thirty-six dollars (\$36.00) per registration year or at the rate of three dollars (\$3.00) per month payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(5) Having an unladen weight of 10,000 or more pounds and less than 12,000 pounds; the compensatory fee shall be forty-eight dollars (\$48.00) per registration year or at the rate of four dollars (\$4.00) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.



**Non-Gasoline Powered Vehicles, Fees**

**Section 6.** That Section 2, Chapter 191, Session Laws of Wyoming 1963, be amended and re-enacted to read as follows:

For motor vehicles or legal combinations of vehicles powered with motors not using gasoline for fuel and

(1) Having an unladen weight of four thousand pounds (4,000) or less, the compensatory fee shall be twelve dollars (\$12.00) per registration year or at the rate of one dollar (\$1.00) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(2) Having an unladen weight of more than 4,000 pounds and less than 6,000 pounds, the compensatory fee shall be thirty dollars (\$30.00) per registration year or at the rate of two dollars and fifty cents (\$2.50) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(3) Having an unladen weight of 6,000 or more pounds and less than 8,000 pounds, the compensatory fee shall be forty-eight dollars (\$48.00) per registration year or at the rate of four dollars (\$4.00) per month payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(4) Having an unladen weight of 8,000 or more pounds and less than 10,000 pounds, the compensatory fee shall be sixty-six dollars (\$66.00) per registration year or at the rate of five dollars and fifty cents (\$5.50) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(5) Having an unladen weight of 10,000 or more pounds and less than 12,000 pounds, the compensatory fee shall be ninety dollars (\$90.00) per registration year or at the rate of seven dollars and fifty cents (\$7.50) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

**Refund of Compensatory Fee Rate on Mile Basis; Report to be Filed; Penalty for Violations; Definitions**

**Section 7.** That Section 3, Chapter 191, Session Laws of Wyoming 1963, be amended and re-enacted to read as follows:

Any motor carrier holding a current certificate or permit and who has made advance payment of a compensatory fee in accordance with the flat rates above prescribed in this section shall, upon written request to the board together with the surrender of the identification card and vehicle plates assigned by the board to the vehicle or legal combination of vehicles covered by such payment, receive a refund of that portion of the payment which is based upon the number of whole months remaining in the registration year during which the said certificate or permit shall continue to remain in full force and effect, less any other compensatory fees which are due and payable to the said board.

For freight or express service, for motor vehicles or legal combinations of vehicles powered with motors using gasoline for fuel and having an unladen weight of 12,000 pounds or more, the compensatory fee shall be at the rate of one and one-half mills per ton mile on the unladen weight, as defined in section 37-131 (u) Wyoming Statutes 1957.

For passenger service for motor vehicles or legal combinations of motor vehicles powered with motors using gasoline for fuel and having an unladen weight of 12,000 pounds or more, the compensatory fee shall be at the rate of one and seven-tenths cents (\$.017) per mile traveled on Wyoming state highways by said vehicle.

For freight or express service, for motor vehicles or legal combinations of vehicles not using gasoline for fuel and having an unladen weight of 12,000 pounds or more, the compensatory fee shall be at the rate of one and one-half mills per ton mile on the unladen weight of the vehicle, as defined in section 37-131 (u) Wyoming Statutes 1957, and to such fee there is hereby added an additional fee on special fuels of seven cents per gallon on diesel fuel and five cents per gallon on butane or propane or mixture thereof.

All persons, firms, partnerships or corporations shall report monthly on forms prescribed by the state board of equalization on all special fuels used stating gallonage consumed and total number of miles traveled on state highways in Wyoming and the average vehicle mileage per gallon.

Any special fuel user who refuses or fails to file a true and correct return required by this section within the time prescribed shall upon conviction thereof be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail not to exceed six (6) months, or both in the discretion of the court; and on a second or further conviction for the same violation, such special fuel user shall be deemed guilty of a misdemeanor and punished as herein provided and in addition shall report monthly for the next registration year thereafter at the rate of one and one-half cents per vehicle mile traveled on state highways.

For passenger service for motor vehicles or legal combinations of motor vehicles powered with motors not using gasoline for fuel and having an unladen weight of 12,000 pounds or more, the compensatory fee shall be at the rate of two and one-half cents (\$.025) per mile traveled on Wyoming state highways by said vehicle.

For the purpose of determining the number of ton miles, the unladen weight in pounds of the vehicle, as defined in section 37-131 (u) Wyoming Statutes, 1957, shall be multiplied by the number of miles of travel on state highways, the product of which shall be divided by two thousand (2,000).

Vehicle mile means the number of miles traveled on Wyoming state highways by a truck or tractor or other unit providing motive power, or a combination of units, one of which units provides motive power for the combination.

Legal gross weight means that maximum weight of a vehicle

or combination of vehicles, with load, which is prescribed in section 31-217, Wyoming Statutes 1957, for lawful operation on the highways of this state.

#### **Carriers to Pay Flat Rate Compensatory Fee**

**Section 8.** Any motor carrier who has made advance payment of a compensatory fee for the calendar year 1965, in accordance with the flat rates prescribed in Sections 1 and 2, Chapter 191, Session Laws of Wyoming 1963, and who has not paid said flat rate compensatory fees for the months of January and February, 1966, or has not, on or before December 31, 1965, surrendered to the board the identification card and vehicle plates assigned by the board to the vehicle or legal combination of vehicles covered by such payment, shall, upon renewing his certificate or permit on such vehicle or legal combination of vehicles for the registration year which commences March 1, 1966, be required to pay the flat rate compensatory fee for the two months of January and February, 1966, computed as set forth in Sections 1 and 2, Chapter 191, Session Laws of Wyoming 1963, which payment shall be in addition to the flat rate payments imposed by said Sections for the registration year 1966, or the months remaining in said year at the time said carrier renews his certificate or permit.

Approved February 16, 1965.

### **CHAPTER 77**

Original House Bill No. 261

#### **STATE FUND DEPOSITORIES**

AN ACT to amend and re-enact Section 9-591, Wyoming Statutes 1957, relating to the deposit of collateral security by state depositories in lieu of a surety bond; to include special improvement bonds issued by incorporated cities and towns of the State of Wyoming.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Deposit of Collateral Security in Lieu of Surety Bond; Cities and Towns Improvement Bonds; Temporary Deposits**

**Section 1.** That Section 9-591, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Any such depository may, instead of such bond in an approved surety company, furnish, as security for such deposit, or deposits, special improvement bonds issued by incorporated cities and towns of the State of Wyoming, United States government bonds, federal land bank bonds, federal farm mortgage corporation bonds, United States treasury notes, United States treasury bonds, real estate mortgages insured and debentures issued by the federal housing administrator, which are unconditionally guaranteed by the United States government, joint stock land bank bonds, or state bonds of this state, county, city or school district bonds or warrants issued by virtue of the laws of this state, worth not less than their

per value, and in an amount equal, at least, to the maximum amount of money at any time to be deposited with such bank; provided, however, that for temporary deposits in excess of the amount for which such bank may bond as provided by this chapter, such depository or bank may deposit local securities having an appraised value of at least twenty-five per cent more than the amount of such temporary deposits; the said securities to be approved by said board of deposits, and to be accompanied by a written assignment vesting the legal title thereto in the State of Wyoming, as collateral security that such depository, so depositing and assigning said securities, shall and will safely keep and pay over to the state treasurer, or his authorized deputy, on his check, order or demand, all money which may come into the possession of such depository, under and by virtue of the provisions of this chapter, together with all interest accruing thereon as herein provided, that in case of default on the part of such depository, the state shall have full power and authority to sell, in the manner hereinafter provided, said securities or so much thereof as may be necessary to realize the full amount of the funds of the state so deposited in said depository, together with the interest thereon. The interest on such bonds, so deposited and furnished, shall, when paid, be turned over to the bank so depositing the same, as long as it is not in default.

Approved February 16, 1965.

## CHAPTER 78

Original House Bill No. 271

### WYOMING TRAVEL COMMISSION SALES

AN ACT providing that the Wyoming Travel Commission may make reasonable charges in connection with the sale of certain photographic or written materials, and providing for deposit of money received from such sales.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Material Which May be Sold; Proceeds to General Fund

**Section 1.** The Commission may in its discretion make reasonable charges for films, color transparencies, photographs or written work for commercial or institutional publications. All money received from such sales shall be remitted to the State Treasurer for deposit to the general fund.

Approved February 16, 1965.

**CHAPTER 79**

Original House Bill No. 337

**REVENUE DEPARTMENT JURISDICTION**

AN ACT to amend and re-enact Section 39-39, Wyoming Statutes 1957, excluding express company fees from those fees and taxes to be collected by the Department of Revenue; to repeal Sections 39-178, 39-179, 39-180, 39-181 and 39-182, Wyoming Statutes 1957, relating to express company fees and providing that express companies and their property shall be assessed for all taxes otherwise applicable.

*Be It Enacted by the Legislature of the State of Wyoming:*

**To Administer and Enforce Collection of Certain Fees and Taxes**

**Section 1.** That Section 39-39, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

The board of equalization through the revenue department, shall administer and enforce the laws of this state as amended, and shall succeed to and is hereby vested with all the powers, duties, functions, responsibilities and jurisdictions now or hereafter conferred upon other boards, commissions, departments, or agencies, relating to sales and use tax, cigarette tax, motor fuel taxes, motor vehicle registration and compensatory fees, inheritance tax, driver's license fee, Motor Vehicle Safety-Responsibility Act, corporation license taxes, filing and other miscellaneous fees, and said revenue department shall enforce the revenue provision of, and shall receive and collect the fees or taxes or other revenue, heretofore collected by, or paid to the following boards or commissions:

Real estate brokers	Surveyors & engineers
Veterinarians	Architects
Cosmetology & hairdressing	Dentists
Embalmers	Merchants
Nurses	Optometry
Pharmacists	Physicians & surgeons
Accountants	Barbers
Boxing	Chiroprody, podiatry
Chiropractics	Board of law examiners

**Sections Repealed**

**Section 2.** That Section 39-178, 39-179, 39-180, 39-181 and 39-182, Wyoming Statutes 1957, be and the same are hereby repealed.

**Express Companies to be Assessed**

**Section 3.** Upon the effective date of this Act, express companies, as formerly defined by Section 39-178, Wyoming Statutes 1957, and their property shall be assessed for all state, county and local taxes which are otherwise applicable in the absence of the Sections hereinabove repealed.

Approved February 16, 1965.

**CHAPTER 80**

Original House Bill No. 394

**GASOLINE TAX**

AN ACT to amend and re-enact subsection (a) of Section 39-200, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 73, Session Laws of Wyoming 1963, relating to the receipt and collection and disposition of gasoline taxes and to refunds to purchaser and user of gasoline for agricultural purposes and specifying type of invoices and requiring such invoices to be receipted by vendor.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Deposit of Tax Receipts; Disposition of Taxes Derived from Use at Airfields; Refund to Agricultural Users; Penalty for False Statement**

**Section 1.** That subsection (a) of Section 39-200, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 73, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

(a) All sums of money received and collected under provisions of this Act shall be made payable to the Board of Equalization of the State of Wyoming and shall be deposited by the Board in a bank approved by the State Board of Deposits, and after collections have cleared through said bank, the same, excepting bond deposits if such there be and the amount of any refunds made, shall be transferred to the State Treasurer, who shall place the same to the credit of the proper accounts. All receipts from the gasoline license tax and fees provided by this Article shall be deposited daily in the state treasury. From all funds received from gasoline used for airplanes at any municipal or county airfield, the State Treasurer shall first deduct the pro rata share of the cost of collecting such gasoline tax and credit said share to the State Board of Equalization, the remaining funds received from such gasoline tax shall be paid the city, town or county where such airfield is located, to be used for the maintenance of such airfield. All funds so paid to the city, town or county shall not be considered to accrue to the State and the Board in collection of such moneys and the State Treasurer in the payment over thereof shall be construed to be the agents of each such city, town or county, and any such city, town or county shall refund to the purchaser or use of gasoline for use in aircraft at any airport in this State upon which the state gasoline tax of four cents (4c) per gallon has been paid, two cents (2c) per gallon on the purchase in excess of ten thousand (10,000) gallons per month. Provided further, that the State Treasurer shall refund to the purchaser and user of gasoline used for agricultural purposes, and purchased from any Wyoming wholesaler or dealer, the tax of four cents (4c) as provided in Section 39-200 Wyoming Statutes 1957, and the tax of one cent (1c) as provided in Section 39-202 Wyoming Statutes 1957, and any future gasoline taxes, on seventy (70) per cent of the bulk gasoline purchased for use in the operation of a ranch or farm during the preceding year beginning July first and ending June thirtieth, or the gallonage computed in the federal refund (Section 6420, Title 26, Internal Revenue Code, United States Code Annotated), whichever is the smaller. Provided, however, that refunds due and unpaid on gasoline purchased for

agricultural purposes during the calendar year 1962 shall be paid by the State Treasurer under the provisions of this Section as the same read and provided during such calendar year; refunds on gasoline purchased for agricultural purposes during the period January 1, 1963 through June 30, 1963, inclusive, shall be paid by the State Treasurer on or before September 30, 1963. If the amount computed in the federal refund is the basis for this claim the claimant shall furnish to the State Treasurer a duplicate, certified or photostatic copy of such form. The term bulk gasoline, as used herein, shall mean fifty (50) gallons or more purchased and delivered at any one time, provided that it shall not include delivery into the attached gasoline tank or auxiliary gasoline tanks of a licensed motor vehicle. "Agricultural purposes" as herein referred to is defined to be the cultivation of the soil, or raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur bearing animals and wildlife, provided, that no custom operation qualifies as an agricultural purpose. "Custom operation" as herein referred to is defined to be any of the above agricultural purposes performed for hire. On or before September thirtieth of each year the purchaser and user of gasoline for agricultural purposes shall furnish to the State Treasurer copies of invoices, which have been prepared on forms using double faced carbon paper and which have been receipted by the vendor, of all gasoline purchased during the preceding year, beginning July first and ending June thirtieth, with a refund affidavit on a form provided and furnished by the State Treasurer. Provided, however, refund affidavits and invoices for gasoline purchased for agricultural purposes during the calendar year 1962 shall be furnished to the State Treasurer on or before September 30, 1963; and provided further that the affidavits and invoices covering gasoline purchased for agricultural purposes during the period January 1, 1963 through June 30, 1963 shall be furnished to the State Treasurer on or before September 30, 1963. Invoices and affidavits for all subsequent periods shall cover the full twelve months of July first through June thirtieth. It shall be unlawful for any person to make false statements in such refund affidavits and he shall be liable to the penalties provided for in Section 39-200, Wyoming Statutes 1957, and in addition thereto, such person shall forfeit all rights to all refunds herein provided, for a period of not less than: one (1) year nor more than five (5) years as determined by the courts.

Approved February 16, 1965.

## CHAPTER 81

Original House Bill No. 268

### UNIVERSITY OF WYOMING DORMITORY BONDS

AN ACT authorizing the Trustees of the University of Wyoming to issue bonds for the constructing, furnishing and equipping of dormitory and dining hall facilities, authorizing the sale of sand bonds to private investors, the State of Wyoming or any agency or instrumentality of the United States, authorizing the State Treasurer to invest State Funds in the authorized bonds, directing that all construction be done by contract based on com-

petitive bidding except as otherwise provided, authorizing the refunding of said bonds, and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Board of Trustees Authorized to Issue Bonds**

**Section 1.** The Trustees of the University of Wyoming, a body corporate of the State of Wyoming, are hereby authorized to issue bonds or other securities, hereinafter referred to as bonds, in a total principal amount not exceeding Nine Million Six Hundred Thousand Dollars (\$9,600,000) for the purpose of constructing, furnishing and equipping dormitories, dining halls, and related facilities, including recreational, street, and vehicle parking facilities, from time to time hereafter as the said Trustees may determine.

#### **Maturity; Interest; Payment and Redemption; Resolution and Contents; Form of Bonds; Replacement Bonds**

**Section 2.** (a) Except as herein otherwise provided, any bonds herein authorized to be issued shall bear such date or dates, shall be in such denomination or denominations, shall mature at such time or times but in no event exceeding fifty years from their date, shall bear interest at a rate or rates not exceeding seven per centum, per annum, which interest may be evidenced by one or two sets of coupons, payable annually or semiannually, except that the first coupon or coupons appertaining to any bond may represent interest for any period not in excess of one year, as may be prescribed by resolution or other instrument; and said bonds and any coupons shall be payable in such medium of payment at any banking institution or such other place or places within or without the State, as determined by the Trustees, may be made subject to prior redemption in advance of maturity in such order or by lot or otherwise at such time or times without or with the payment of such premium or premiums not exceeding seven per centum of the principal amount of each bond so redeemed, as determined by the Trustees.

(b) Any resolution authorizing the issuance of bonds or other instrument appertaining thereto may capitalize interest on any bonds during any period of construction estimated by the Trustees and one year thereafter and any other cost of any project herein authorized, by providing for the payment of the amount capitalized from the proceeds of the bonds.

(c) The resolution authorizing the bonds or other instrument appertaining thereto may contain any agreement or provision customarily contained in instruments securing revenue bonds including, without limiting the generality of the foregoing, bond covenants.

(d) Bonds may be issued with privileges for conversion or registration, or both, for payment as to principal or interest, or both; and where interest accruing on the bonds is not represented by interest coupons, the bonds may provide for the endorsing of payments of interest thereon; and the bonds generally shall be issued in such manner, in such form, either coupon or registered, with such recitals, terms, covenants and conditions, and with such other details, as may



be provided by the Trustees in the resolution authorizing the bonds, or other instrument appertaining thereto, except as herein otherwise provided.

(e) In case any outstanding bond shall become mutilated or be destroyed, stolen, or lost, the Trustees may authenticate and deliver a new bond (with appropriate coupons attached unless registered for payment as to interest) of like tenor, number, and amount as the bond and appurtenant coupons, if any, so mutilated, destroyed, stolen, or lost:

(i) In exchange and substitution for such mutilated bond and appurtenant coupons, if any, or

(ii) In lieu of and substitution for the bond and appurtenant coupons, if any, destroyed, stolen, or lost:

A. Upon filing with the Trustees evidence satisfactory to them that such bond and appurtenant coupons, if any, have been destroyed, stolen, or lost and proof of ownership thereof, and

B. Upon furnishing the Trustees with indemnity satisfactory to them, upon complying with such reasonable regulations as the Trustees may prescribe, and upon the payment of such expenses as the Trustees may incur in connection therewith. Nothing herein contained in this subsection (e) shall be construed as prohibiting the Trustees from reissuing (upon such terms and conditions as the Trustees and the holder thereof, or, if registered for payment to other than bearer, the registered owner thereof, may determine) any outstanding bond which shall not have become mutilated, destroyed, stolen, or lost, regardless of whether so provided in any proceedings authorizing its issuance.

(f) Any resolution authorizing the issuance of bonds or any other instrument appertaining thereto may provide for their reissuance in other denominations in negotiable or nonnegotiable form and otherwise in such manner and form as the Trustees may determine.

(g) Any resolution authorizing, or other instrument appertaining to, any bonds hereunder may provide that each bond therein authorized shall recite that it is issued under authority hereof. Such recital shall conclusively impart full compliance with all of the provisions hereof, and all bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

(h) Subject to the payment provisions herein specifically provided, any bonds, any interest coupons thereto attached, and any temporary bonds issued pending preparation of definitive bonds shall be fully negotiable within the meaning of and for all the purposes of the Uniform Commercial Code, except as the Trustees may otherwise provide; and each holder of such bond, or of any coupon appertaining thereto, by accepting such bond or coupon shall be conclusively deemed to have agreed that such bond or coupon (except as otherwise provided) is and shall be fully negotiable within the meaning and for all purposes of said Uniform Commercial Code.

(i) Notwithstanding any other provision of law, the Trustees in any proceedings authorizing bonds hereunder:

(i) May provide for the initial issuance of one or more bonds [in this subsection (i) called "bonds"] aggregating the amount of the entire issue or any part thereof;

(ii) May make such provision for installment payments of the principal amount of any such bond as it may consider desirable;

(iii) May provide for the making of any such bond payable to bearer or otherwise, registrable as to principal or as to both principal and interest, and where interest accruing thereon is not represented by interest coupons, for the endorsing of payment of interest on such bonds; and

(iv) May further make provision in any such proceedings for the manner and circumstances in and under which any such bond may in the future, at the request of the holder thereof, be converted into bonds of smaller denominations, which bonds of smaller denominations may in turn be either coupon bonds or bonds registrable as to principal, or principal and interest, or both.

(j) Except for any bonds which are registrable for payment of interest, interest coupons payable to bearer and appertaining to the bonds shall be issued and shall bear the original or facsimile signature of the President of the Trustees.

(k) Any bonds herein authorized may be executed as provided by Chapter 34, Session Laws of Wyoming 1959.

(l) The bonds and any coupons bearing the signature of the officers in office at the time of the signing thereof, shall be valid and binding obligations of the Trustees, notwithstanding that before the delivery thereof and payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices.

(m) Any officer herein authorized or permitted to sign any bond or interest coupon, at the time of its execution and of the execution of a signature certificate, may adopt as and for his own facsimile signature the facsimile signature of his predecessor in office in the event that such facsimile signature appears upon the bond or coupons appertaining thereto, or upon the bond and such coupons.

#### **Sources of Revenue for Bonds**

**Section 3.** (a) The bonds to be issued hereunder shall not constitute a general obligation of the State of Wyoming, nor of the Trustees, nor of the University of Wyoming, but shall be payable solely from the following funds and shall be secured by an irrevocable pledge of said funds: (1) the net profits realized from the operation of the dormitories, dining halls and related facilities to be constructed hereunder, or such part of such profits as the Trustees may determine, giving due consideration to the interest and principal requirements of the bonds; (2) the net profits of the existing dormitories known as Wyoming Hall, Old Residence Hall, Hoyt Hall, Knight Hall and the profits of the Knight Hall Cafeteria over and above the amounts pledged to the payment of The Trustees of the University of Wyoming, Improvement Revenue Bonds, Series 1959 or such part of the net profits of said existing dormitories and

cafeteria as the Trustees may determine, giving due consideration to the interest and principal requirements of the bonds.

(b) In computing net profits for purposes of the foregoing provisions due allowance shall be made for all costs of operation and maintenance including, if the Trustees so determine, reasonable allowances for the depreciation of furniture and equipment.

#### **May Issue Series**

**Section 4.** The bonds authorized hereby may be issued from time to time and in one or more series as the Trustees may determine. Bonds of different series may be payable from, and equally secured by, all of the revenue sources set out in Section 3, above, or, if the Trustees so determine, bonds of different series may be payable from different revenue sources and each series secured by a pledge of one or more revenue sources. For purpose of this paragraph a "revenue source" shall be deemed to mean the net profits of any one or more of the buildings to be constructed hereunder or of any one or more of the existing dormitories and cafeteria, as set forth in Section 3, above, as the Trustees may determine.

#### **Obligation of Trustees**

**Section 5.** The obligation of the Trustees to the holders of the bonds shall be limited to applying the funds, as set forth above, to the payment of interest and principal on said bonds, and the bonds shall contain a provision to that effect. In the event of default in the payment of said bonds or the interest thereon, and in the event that the Trustees are misusing such funds or not using them as provided by this Act and the bond resolution, or in the event of any other breach of any protective covenant or other contractual limitation, then such holders, or any of them, may bring suit against the Trustees in the District Court of Albany County for the purpose of restraining the Trustees from using such funds for any purpose other than the payment of the principal and interest on such bonds in the manner provided, or for any other appropriate remedy.

#### **Construction of Buildings; Competitive Bidding**

**Section 6.** Except as herein otherwise provided, the work of constructing the various buildings shall be done by contract based on competitive bidding. Notice of call for bids shall be for such period of time and in such manner as the Trustees may determine, and the Trustees shall have the power to reject any and all bids and re-advertise for bids as they consider proper. The landscaping around the various projects and the preparation of parking lots and similar facilities in connection with any of the projects may, in the discretion of the Trustees, be done in whole or in part by University personnel rather than by contract let on competitive bidding.

#### **Sale of Bonds**

**Section 7.** The bonds hereby authorized may be sold by the Trustees to such person or persons, including private investors, the State of Wyoming or any agency or instrumentality of the United States, as the Trustees may determine. The Trustees are authorized to enter into any contracts or arrangements, not inconsistent with

the provisions hereof, with respect to the sale of the bonds, interim financing during construction, the employment of bond counsel and other matters as the Trustees determine to be necessary or desirable in accomplishing the purposes of this Act.

#### **Bonds May be Bought with Permanent State Funds**

**Section 8.** The State Treasurer of the State of Wyoming, with the approval of the Governor and Attorney General is hereby authorized to invest any permanent State Funds available for investment in the bonds to be issued hereunder.

#### **Refunding Bonds**

**Section 9.** Any outstanding bonds issued pursuant to this Act may be refunded by the Trustees subject to provisions concerning their payment and to any other contractual limitations in any proceedings authorizing their issuance or otherwise appertaining thereto, by the issuance of refunding bonds to refund, pay, and discharge all or any part of said outstanding bonds for the purpose of avoiding or terminating any default, of reducing interest costs or effecting other economies, or of modifying or eliminating restrictive contractual limitations concerning the issuance of additional bonds, the revenues pledged to the payment of bonds, or of the facilities acquired with the proceeds of bonds, or any combination thereof.

#### **Exchange or Sale of Refunding Bonds**

**Section 10.** Any refunding bonds may either be delivered in exchange for the outstanding bonds being refunded or may be publicly or privately sold.

#### **Refunding Procedure**

**Section 11.** No bonds may be refunded hereunder unless the holders thereof voluntarily surrender them for exchange or payment or unless they either mature or are callable for prior redemption under the terms within ten years from the date of issuance of the refunding bonds. Provision shall be made for paying the bonds being refunded within said period of time. The principal amount of the refunding bonds may exceed the principal amount of the bonds being refunded if the aggregate principal and interest costs of the refunding bonds do not exceed such unaccrued costs of the bonds being refunded. The principal amount of the refunding bonds may also be less than or the same as the principal amount of the bonds being refunded so long as provision is duly and sufficiently made for the payment of the bonds being refunded.

#### **Refunding Bond Proceeds**

**Section 12.** The proceeds of refunding bonds shall either be immediately applied to the retirement of the bonds to be refunded or be placed in escrow in any state or national bank within the state which is authorized by law to exercise and is exercising trust powers, and which is a member of the Federal Deposit Insurance Corporation, to be applied to the payment of the bonds being refunded upon their presentation therefor; provided that the refunding bonds, or any part thereof, including any accrued interest and any premium, may

be exchanged by the Trustees for federal securities (as hereinafter defined) which have been made available for escrow investment by any purchaser of refunding bonds, upon terms of exchange mutually agreed upon, and any federal securities so received by the Trustees shall, in like manner, be placed in such escrow; and provided further, that to the extent any incidental expenses have been capitalized, such refunding bond proceeds may be used to defray such expenses; and any accrued interest and any premium appertaining to a sale of refunding bonds may be applied to the payment of the interest thereon and the principal thereof, or both interest and principal, or may be deposited in a reserve therefor, or may be exchanged for federal securities, as the Trustees may determine. Any such escrow shall not necessarily be limited to proceeds of refunding bonds but may include other moneys available for its purpose. Any proceeds in escrow, pending such use, may be invested or reinvested in bills, certificates of indebtedness, notes, bonds, or similar securities which are direct obligations of, or the principal and interest of which obligations are unconditionally guaranteed by, the United States of America (herein sometimes designated as "federal securities"). Such proceeds and investments in escrow, together with any interest and any other gain to be derived from any such investment, shall be in an amount at all times sufficient as to principal, interest, any prior redemption premium due, and any charges of the escrow agent bank and any other incidental expenses payable therefrom, to pay the bonds being refunded as they become due at their respective maturities or due at any designated prior redemption date or dates in connection with which the Trustees shall exercise a prior redemption option and to pay any such incidental expenses as then become due.

#### **Sources of Revenue for Refunding Bonds**

**Section 13.** Refunding bonds may be made payable from any revenues derived from any source or sources which might be legally pledged for the payment of the bonds being refunded at the time of the refunding or at the time of the issuance of the bonds being refunded, as the Trustees may determine, notwithstanding that the pledge of such revenues for the payment of the outstanding bonds being refunded is thereby modified.

#### **Bonds Issued Separately or in Combination**

**Section 14.** Refunding bonds and bonds authorized for any other purpose or purposes may be issued separately or issued in combination in one series or more.

#### **Signatures**

**Section 15.** Any refunding bond or interest coupon thereto appertaining may be signed, countersigned, executed or attested by the public official or officials who were authorized by the Trustees to sign, countersign, execute or attest the bonds which are being refunded and the coupons, if any, thereto appertaining. In the alternative, the Trustees may, in their discretion, designate other officials to sign, countersign, execute or attest any refunding bond or appurtenant coupon.

**Authority for Issuance of Refunding Bonds**

**Section 16.** Except as otherwise provided in sections 9 through 15 hereof, refunding bonds shall be issued pursuant to sections 2 through 5, 7 and 8 hereof.

**Severability Clause**

**Section 17.** If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

**Section 18.** This Act shall take effect and be in force from and after its passage.

Approved February 16, 1965.

**CHAPTER 82**

Original House Bill No. 31

**WYOMING RETIREMENT SYSTEM — COVERAGE**

AN ACT to amend and re-enact subsection 8, Section 9-295, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 16, Session Laws of Wyoming 1959, as amended and re-enacted by Section 1, Chapter 92, Session Laws of Wyoming 1961, relating to the Wyoming Retirement System, to define the term "salary", and to provide for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Definition of Salary**

**Section 1.** That subsection 8, Section 9-295, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 16, Session Laws of Wyoming 1959, as amended and re-enacted by Section 1, Chapter 92, Session Laws of Wyoming 1961, be amended and re-enacted to read as follows:

"Salary" shall mean the cash remuneration paid to an employee for his services not exceeding the sum of Eight Thousand Six Hundred Dollars (\$8,600) in any calendar year.

**Section 2.** This Act shall take effect and be in force on and after January 1, 1967.

Approved February 16, 1965

**CHAPTER 83**

Original House Bill No. 32

**WYOMING RETIREMENT SYSTEM — CONTRIBUTIONS**

AN ACT to amend and re-enact Section 9-304, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 16, Session Laws of Wyoming 1963, and to amend and re-enact Section 9-305, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 16, Session Laws of Wyoming 1963, relating to the Wyoming Retirement System, providing for employee and employer contributions, and to provide for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Salary Deductions**

**Section 1.** That Section 9-304, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 16, Session Laws of Wyoming 1963, be amended and re-enacted to read as follows:

Every employee covered under this act shall pay into the fund three per cent (3%) of his salary. Such payments shall be deducted each pay period from employees' salaries by the chief fiscal officer of each employer.

**Employer Matching Contribution**

**Section 2.** That Section 9-305, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 16, Session Laws of Wyoming 1963, be amended and re-enacted to read as follows:

Each employer is hereby authorized and directed to pay into the fund a matching contribution equal to three per cent (3%) of all salaries paid to its employees. These matching contributions, together with the employees' contributions shall be transferred and credited to the fund in a manner as directed by the board, and should said contributions not be transferred to the board when due, they may be recovered, together with interest at the rate of six per cent (6%) per annum, in an action brought for that purpose in the district court in and for the county in which the employer has its principal office or place of activity.

**Section 3.** This Act shall take effect and be in force on and after July 1, 1967.

Approved February 16, 1965.

**CHAPTER 84**

Original Senate File No. 98

**STATE LIBRARY ADDITION**

AN ACT appropriating funds for the construction and installation of a third stack level in the state library.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Appropriation**

**Section 1.** There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of Forty Five Thousand Dollars (\$45,000.00), to be expended by the Capitol Building Commission in the construction and installation of a third stack level in the state library located in the State Library and Supreme Court Building.

**Plans to be Approved**

**Section 2.** All plans and specifications for a third stack level in the state library shall be approved by the State Library, Archives and Historical Board.

Approved February 16, 1965.

**CHAPTER 85**

Original Senate File No. 107

**WYOMING STATE TRAINING SCHOOL**

AN ACT repealing Section 9-439, Wyoming Statutes 1957, relating to the office of assistant general superintendent of the Wyoming state training school.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section Repealed**

**Section 1.** That Section 9-439, Wyoming Statutes 1957, is hereby repealed.

Approved February 16, 1965.

**CHAPTER 86**

Original Senate File No. 108

**SOLDIERS' AND SAILORS' HOME CHAPLAIN**

AN ACT repealing Section 9-495, Wyoming Statutes 1957, relating to the salary of the state soldiers' home chaplain.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section Repealed**

**Section 1.** That Section 9-495, Wyoming Statutes 1957, is hereby repealed.

Approved February 16, 1965.



**CHAPTER 87**

Original Senate File No. 160

**CAPITOL BUILDING COMMISSION**

AN ACT appropriating Fifteen Hundred Dollars (\$1,500.00) to the Capitol Building Commission for planning purposes.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Appropriation to Plan Building for Archives and Historical Department and Museum**

**Section 1.** There is hereby appropriated, from any funds in the State Treasury not otherwise appropriated, the sum of Fifteen Hundred Dollars (\$1,500.00), or so much thereof as may be necessary, to the Capitol Building Commission to be expended in planning a building to house the State Archives and Historical Department and State Museum. The Commission is to consider the future development of the State in such planning and shall report to the next Legislature of its results and recommendations.

Approved February 16, 1965.

**CHAPTER 88**

Original Senate File No. 161

**SEVENTY-FIFTH ANNIVERSARY COMMISSION**

AN ACT appropriating funds to the Seventy-fifth Anniversary Commission for the period ending June 30, 1967, and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Appropriation**

**Section 1.** There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of Seventy-five Thousand Dollars (\$75,000.00), or so much thereof as may be necessary, to the Seventy-fifth Anniversary Commission for the purpose of carrying out the provisions of Chapter 130, Session Laws of Wyoming 1963.

**Section 2.** This Act shall be in effect upon its passage and approval.

Approved February 16, 1965.

**CHAPTER 89**

Original House Bill No. 257

**RAPE**

AN ACT to amend and re-enact Section 6-63, Wyoming Statutes 1957, pertaining to rape, to establish first, second, and third degrees of rape, according to age and consent of the victims, with appropriate penalties.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Offense Defined, Degrees; Penalty**

**Section 1.** That Section 6-63, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(A) Whoever unlawfully has carnal knowledge of a woman or female child forcibly and against her will is guilty of first-degree rape, and shall be imprisoned in the penitentiary for any term not less than one (1) year, or during life.

(B) Whoever unlawfully has carnal knowledge of a female child under the age of fifteen (15) years with her consent shall be guilty of second-degree rape and shall be imprisoned in the penitentiary for not less than one (1) year and not more than fifty years.

(C) Whoever unlawfully has carnal knowledge of a female child over the age of fifteen (15) years and under the age of eighteen (18) years with her consent shall be guilty of third-degree rape and shall be confined in the county jail for not less than thirty (30) days and not more than one (1) year.

Approved February 16, 1965

**CHAPTER 90**

Original House Bill No. 207

**PUBLIC WELFARE**

AN ACT providing for the combination of the programs for the aged, blind, and disabled; and to amend and re-enact Section 42-2, Wyoming Statutes 1957, relating to definitions; to amend and re-enact Section 42-12, Wyoming Statutes 1957, relating to application for a dependent child; to amend and re-enact Section 42-14, Wyoming Statutes 1957, relating to eligibility for assistance; to amend and re-enact Section 42-15, Wyoming Statutes 1957, relating to the manner of payments; to amend and re-enact Section 42-28, Wyoming Statutes 1957, relating to eligibility of dependent children for aid.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Combined Programs**

**Section 1.** The state department of public welfare may, when it is determined to be advantageous to the state, combine into a single program the programs of old age assistance, aid to the blind, and aid to the permanently and totally disabled.

**Definitions**

**Section 2.** That Section 42-2, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

As used in this Act:

(A) "State department" means the state department of public welfare created by this Act;

(B) "State board" means the state board of public welfare created by this Act;

(C) "Director" means the director of the state department of public welfare created by this Act;

(D) "County department" means the county department of public welfare created by this Act in the several counties of the state;

(E) "County board" means the county board of public welfare created by this Act in the several counties of the state;

(F) "County director" means the director of the county department of public welfare created by this Act in the several counties of the state;

(G) "Applicant" means a person who has applied for assistance under this Act;

(H) "Recipient" means a person who has received assistance under this Act;

(I) "Grant" means an amount in the form of a money payment made to an eligible person;

(J) "Old age assistance" means a grant to or general welfare health services in behalf of aged persons in need;

(K) "Aid to dependent children" means a grant to, a protective payment for, or general welfare health services with respect to a dependent child or children as herein defined;

(L) "Protective payment" means a grant paid in behalf of a dependent child or children to a person who is not a relative as defined by the state department, and who is determined by the state department under prescribed rules and regulations to be interested in or concerned with the welfare of the dependent child and his family;

(M) "Aid to the blind" means a grant to or general health services in behalf of blind persons in need;

(N) "Aid to the permanently and totally disabled" means a grant to or general welfare health services in behalf of permanently and totally disabled persons in need;

(O) "Aid to the aged, blind, or disabled" means a grant to or general welfare health services in behalf of aged, blind, or disabled persons in need;

(P) "Child welfare services" means services that reinforce, supplement, or substitute for parental care and supervision for the purpose of: protecting and promoting the welfare of children and youth; preventing neglect, abuse and exploitation; helping overcome

problems that result in dependency, neglect or delinquency; and, when needed, providing adequate care for children and youth away from their own homes, such care to be given in foster family homes, adoptive homes, child-caring institutions, day care homes or centers or other facilities;

(Q) "General relief" means any type of assistance other than old age assistance, aid to the blind, aid to dependent children, and aid to the permanently and totally disabled;

(R) "General welfare" means any type of assistance under general relief, excluding general welfare health;

(S) "General welfare health" means such services as are generally considered as coming within the concept of medical and dental services and supplies, and services necessary to the maintenance of health, cure or mitigation of illness, treatment, convalescence, or other services necessary due to health reasons including burial services. Services to be provided or prescribed by persons authorized by state law to give such services;

(T) "Assistance" in general, means the provision, by the county department, of subsistence needs, or services necessary to health and decency, by means of money payments or otherwise;

(U) "Dependent child" means a needy child under the age of eighteen (18) or one who is eighteen (18) years of age and under the age of twenty-one (21), if a student regularly attending a high school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational or technical training designed to fit him for gainful employment, who has been deprived of parental support or care by reason of the death, continued absence from home, or physical or mental incapacity of a parent, and who is living with a relative, as defined by the state department, in a place of residence maintained by one or more of such relatives, as his or their own home; provided that at the discretion of the state department the term dependent child may be deemed to include any needy child of an unemployed parent or any needy child who is receiving foster home care.

(V) "Indigent person" means a person lacking sufficient income or resources to provide for himself or his family a reasonable subsistency compatible with decency and health, or those services deemed necessary by the county department, in accordance with the standards and policies set by the state department, for his or his family's well-being;

(W) "Ophthalmologist" means a physician licensed to practice medicine in this state and who is actively engaged in the treatment of diseases of the human eye.

#### **Applications to County for Assistance**

**Section 3.** That Section 42-12, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Application for assistance of any kind shall be made to the county department of the county in which the applicant resides.

It shall be made by the applicant himself. In the case of a dependent child or children, application shall be made by a relative or other person interested in or concerned with the welfare of the child and his family as defined or determined by the state department under prescribed rules and regulations. The application shall be witnessed and shall be in writing, or reduced to writing, in the manner and upon the form prescribed by the state department.

#### **Determination of Eligibility; State Department Review**

**Section 4.** That Section 42-14, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(A) Immediately following such investigation of an application for old age assistance, aid to dependent children, aid to the permanently and totally disabled, aid to the blind, or general relief, the county department shall promptly determine whether or not the applicant is eligible for assistance under the provisions of this Act, and with due regard to the resources and income, as may be determined as applicable and established by the rules, regulations and orders of the state department of public welfare, and necessary expenditures of the family and conditions existing in each case, and establish in accordance with prescribed rules and regulations of the state department the amount of such assistance and the date on which such assistance shall begin, or reject the application.

(B) The state department shall have the right to review the application and the decision of the county department and approve and fix the amount to be paid monthly as assistance to the applicant or reject the application. The county department shall notify the applicant of the final decision.

#### **Assistance Payment; Appointment of Custodian**

**Section 5.** That Section 42-15, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(A) When a grant of old age assistance, aid to dependent children, aid to the permanently and totally disabled, aid to the blind or general welfare has been approved, the grant shall then be payable monthly by the county treasurer to the recipient upon the order of the county department of the county in which said grant was approved, from funds available for this purpose, until such time as the grant shall be modified or cancelled in compliance with the provisions of this Act.

(B) When a recipient moves to another state, the grant may be continued, provided, that sufficient evidence is submitted by the recipient that he intends to retain Wyoming residence or receive better care in his new location: provided further, that the recipient is still eligible to receive assistance on the basis of need.

(C) When general relief has been approved by the county department such aid may then be furnished in the form of cash or kind, in the home of the applicant, in welfare homes, poor farms or other public institutions for the support of indigent persons, or in any other manner deemed advisable by the county department, and in accord-

ance with the standards, rules and regulations set by the state department.

(D) When a recipient of general welfare or of a grant for aid to a dependent child or children is found to be incompetent to make the best use of the assistance granted under the provisions of the public welfare act, the county welfare department may, under rules and regulations prescribed by the state department, appoint or designate a suitable and responsible person as custodian of such assistance. Said custodian shall have authority, subject to the approval of the county board, to make such disposition of the assistance grants under his custodianship, as in his judgment is to the best advantage of the recipient. Such custodian shall report his acts to the county board at such times and in the manner provided by the county board.

#### **Aid to Children; Prerequisites; Limitations**

**Section 6.** That Section 42-28, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(A) Aid to dependent children shall be awarded with respect to a needy child under the age of 18 or one who is eighteen (18) years of age and under the age of twenty-one (21), if a student regularly attending a high school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational or technical training designed to fit him for gainful employment, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent; and who is living with a relative, as defined by the state department, in a place of residence maintained by one or more of such relatives as his or their own home; and (1) who has resided in the state for one year immediately preceding application; or (2) whose parent, or whose relative with whom he lives, has resided in the state for one year immediately preceding application; or (3) who, if born within the year immediately preceding application was born within the state, or who has resided in the state substantially from the time of birth; or (4) who is awarded assistance under the terms of an agreement with another state; or (5) who was born within one year immediately preceding the application if the parent or other relative with whom the child is living has resided in the state for one year immediately preceding the birth.

(B) The state department is authorized to provide by rule and regulation, when it is determined to be advantageous to the state, that aid to dependent children shall be granted to any needy child of an unemployed parent or any needy child who is receiving foster home care where such child otherwise meets the eligibility requirements for aid to dependent children.

(C) Aid to dependent children shall not be granted under this Act to any person who is receiving old age assistance, aid to the blind, or aid to the permanently and totally disabled.

(D) The county department shall give prompt notice to the local law enforcement officials of the granting of aid to a dependent child deserted or abandoned by a parent.

(E) To assist in locating parents who have deserted their children and other persons liable for support of dependents, the state department of public welfare may request and shall receive information from the records of all departments, boards, bureaus or other agencies of this state and the same are authorized to provide such information as is necessary for this purpose. Only information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support shall be requested and used or transmitted by the state department of public welfare pursuant to the authority conferred by this Act. The state department of public welfare may make such information available only to public officials and agencies of this state, other states and the political subdivisions of this state and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents for the purpose of enforcing their liability for support.

Approved February 17, 1965.

## CHAPTER 91

Original House Bill No. 218

### GENERAL OBLIGATION PUBLIC SECURITIES REFUNDING LAW

AN ACT concerning the refunding of public securities and repealing Section 18-269; 18-270; 18-271; 18-272; 18-273; 18-274; 18-275; 18-276; 18-277; 18-278; 18-279; 18-280; 21-88; 21-89; 21-90; 21-91; 21-92; 21-93; 21-94; 21-95; 21-96; 21-97; 21-98; and 21-99, Wyoming Statutes 1957; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Short Title

Section 1. This Act shall be known and may be cited as the "General Obligation Public Securities Refunding Law."

#### Definitions

Section 2. In this Act unless the context otherwise requires:

(a) "Clerk" means the clerk, secretary, or other principal clerical officer of the issuer.

(b) "Federal securities" means the bills, certificates of indebtedness, notes, bonds, or similar obligations which are direct obligations of, or the principal and interest of which obligations are unconditionally guaranteed by, the United States of America.

(c) "Governing body" means the city council, town council, commission, board of commissioners, board of trustees, board of directors, or other legislative body of the issuer in which the legislative powers of the issuer are vested.

(d) "Issuer" means the public body issuing any refunding public security pursuant to this Act.

(e) "Ordinance" means an ordinance, resolution, or other proceeding by which a governing body takes formal action and adopts legislative provisions and matters of some permanency.

(f) "Public body" means any county, city, or town, whether incorporated or governed under a general act, special charter, or otherwise, or any school district, high school district, sanitary and improvement district, hospital district, water district, sewer district, or water and sewer district.

(g) "Public security" means a bond, note, certificate of indebtedness, warrant, or other obligation for the payment of money, issued by any public body of this state, or any predecessor of any such public body, which is payable, or which may be paid, from general (ad valorem) taxes, or which constitutes a debt or an indebtedness within the meaning of any constitutional or statutory limitation, but excluding any warrant or similar obligation payable within one year from the date of its issuance, or any obligation primarily payable from special assessments, or any obligation solely payable from a pledge of designated revenues other than general (ad valorem) taxes.

(h) "Refunding public security" means a public security which is authorized to be issued pursuant to this Act.

#### **Refunding Authorized; Purposes Enumerated**

**Section 3.** Any public security or securities heretofore or hereafter issued by any public body of the State may be refunded, without an election, by the public body which issued them, or any successor thereof, in the name of the public body which issued the public securities being refunded, but subject to provisions concerning their payment and to any other contractual limitations in the proceedings authorizing their issuance or otherwise appertaining thereto, for any one or more of the following purposes:

a. For the purpose of extending the maturities of all or any part of such outstanding public securities for which payment is in arrears, or which there is not, or it is certain that there will not be, sufficient money to pay the principal or interest on such outstanding public securities as the same respectively become due.

b. For the purpose of reducing interest costs or effecting other economies.

c. For the purpose of reorganizing all or any part of the outstanding public securities of a public body in order to equalize tax levies.

#### **Interest Rate Maximum; Negotiability**

**Section 4.** Refunding public securities shall bear interest at such rate or rates not exceeding six per centum (6%) per annum, payable semiannually or annually, and evidenced by one or two sets of coupons, if any, except that the first coupon or coupons appertaining to any refunding public security may evidence interest for any period not in excess of one year, and such refunding public securities may be in one or more series, may bear such date or dates, may mature in any amount or amounts, serially or otherwise, at such time or times not



exceeding thirty (30) years from their respective dates, may be in such denomination or denominations, may be payable in such medium of payment, in such place or places within or without the State, including but not limited to the office of the county treasurer of any county in which the issuer is located wholly or in part, may carry such registration privileges, may be subject to such terms of prior redemption in advance of maturity in such order, or by lot, or otherwise, at such time or times with or without premium, may bear such privileges for reissuance in the same or other denominations, may be so reissued (without modification of maturities and interest rates), and may be in such form, either coupon or registered, as may be provided by ordinance of the governing body. Except as the governing body may otherwise provide, said refunding public securities and any interest coupons thereto attached shall be fully negotiable within the meaning of and for all purposes of the Uniform Commercial Code — Investment Securities; and each holder of each such refunding public security, by accepting such security, shall be conclusively deemed to have agreed that such refunding public security (except as otherwise provided) is and shall be fully negotiable within the meaning and for all purposes of the Uniform Commercial Code — Investment Securities.

#### **Limitations on Refunding**

**Section 5.** No public securities may be refunded hereunder unless the holders thereof voluntarily surrender them for exchange or payment, or unless they either mature or are callable for prior redemption under their terms within fifteen (15) years from the date of issuance of the refunding public securities. Provision shall be made for paying the public securities being refunded within said period of time. No maturity of any public security being refunded may be extended over fifteen (15) years, nor may any interest thereon be increased to any rate exceeding six per centum (6%) per annum. No public security may be refunded hereunder unless said public security has been outstanding for at least one year since the date of its delivery. No refunding public security may be refunded hereunder if as an incident of the issuance of said refunding public security, an escrow has been established as hereafter permitted. The principal amount of the refunding public securities may not exceed the principal amount of the public securities being refunded. The principal amount of the refunding public securities may be less than or the same as the principal amount of the public securities being refunded so long as provision is duly and sufficiently made for the payment of such public securities being refunded.

#### **Extent to Which Securities May Be Refunded**

**Section 6.** A public body may issue refunding public securities to refund one or more or any part of one or more or all issues of its public securities which are outstanding, and refunding public securities and public securities authorized for any other purpose or purposes may be issued separately or issued in combination in one series or more by any issuer; provided, however, that no two or more issues or parts of issues of outstanding public securities shall be refunded by a single issue of refunding public securities unless the taxable property upon which tax levies are being made for payment of such

outstanding public securities is identical to the taxable property on which such levies are being made for the payment of all other outstanding public securities proposed to be refunded by such single issue of refunding public securities, and provided further, that no two or more issues or parts of issues of outstanding public securities or refunding public securities and public securities authorized for any other purpose or purposes shall be combined in one issue where more than one constitutional or statutory debt limitation is applicable to such combination.

#### **Limits of Indebtedness**

**Section 7.** In no event shall the aggregate amount of indebtedness of any issuer exceed the maximum allowable amount as determined pursuant to the constitutional and statutory provisions, if any, applicable to such issuer; provided, however, that in determining and computing such aggregate amount of indebtedness of any issuer, public securities which have been refunded, as provided in this Act, by immediate payment or prior redemption and retirement or by the placement of the proceeds of refunding public securities or investments thereof in escrow, shall not be deemed outstanding indebtedness from and after the date on which sufficient moneys are placed with the paying agent of such outstanding public securities for the purpose of immediately paying, or redeeming and retiring such bonds, or from and after the date on which the proceeds of said refunding public securities or investments thereof are placed in such an escrow.

#### **Disposition of Refunding Securities**

**Section 8.** Any refunding public securities may either be delivered in exchange for the outstanding public securities being refunded or may be publicly or privately sold in the manner determined by the governing body, provided that no refunding public security may be publicly or privately sold at a price less than the principal amount thereof and accrued interest thereon to the date of delivery.

#### **Costs of Refunding**

**Section 9.** The incidental costs of the refunding of public securities may be paid by the purchaser of the refunding public securities or defrayed from the general fund of the public body or from the proceeds of the refunding public securities or from the interest or other yield derived from the investment of such proceeds or from other sources legally available therefor.

#### **Proceeds from Refunding Securities**

**Section 10.** The proceeds of refunding public securities shall either be immediately applied to the retirement of the public securities to be refunded or be placed in escrow in any state or national bank within the State which is a member of the Federal Deposit Insurance Corporation and which has trust powers, to be applied to the payment of the public securities being refunded upon their presentation therefor; and any accrued interest and any premium appertaining to a sale of refunding public securities may be applied to the payment of the interest thereon and the principal thereof, or both interest and principal, or may be deposited in a reserve therefor, or may be used

to defray incidental costs, as the governing body may determine. Any such escrow shall not necessarily be limited to proceeds of refunding public securities, but may include other moneys available for its purpose. Any escrowed proceeds, pending such use, may be invested or reinvested in federal securities. Such escrowed proceeds and investments, together with any interest or other yield to be derived from any such investment, shall be in an amount at all times sufficient as to principal, interest, any prior redemption premium due, and any charges of the escrow agent payable therefrom, to pay the public securities being refunded as they become due at their respective maturities or due at designated prior redemption date or dates in connection with which the governing body of the issuer shall exercise a prior redemption option. The computations made in determining such sufficiency shall be verified by a certified public accountant licensed to practice in this state or in any other state. Any purchaser of any refunding public security shall in no manner be responsible for the application of the proceeds thereof by the issuer or any of its officers, agents or employees.

#### **Execution of Refunding Securities**

**Section 11.** Any refunding public security or interest coupon thereto appertaining may be signed, countersigned, executed or attested by the public official or officials who are authorized by law at the time of the issuance of the refunding public securities to sign, countersign, execute or attest public securities of the issuer of the same general character as those public securities which are being refunded and the coupons, if any, thereto appertaining. In the alternative, the governing body may, in its discretion, designate appropriate public officials to sign, countersign, execute or attest any refunding public security or appurtenant coupon, if any. Any officer so authorized or designated may utilize a facsimile signature in lieu of his manual signature in the manner provided by law, provided that compliance with any law other than this Act is not a condition of execution with a facsimile signature of any interest coupon. The clerk may cause the seal or a facsimile of the seal of the issuer to be printed, stamped or otherwise placed on any refunding public security. The facsimile seal shall have the same legal effect as the impression of the seal. Refunding public securities and any coupons bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations of the issuer, notwithstanding that before the delivery thereof and payment therefor any or all persons whose signatures appear thereon shall have ceased to fill their respective offices. Any officer authorized or designated to sign, countersign, execute or attest any refunding public security or interest coupon, at the time of its execution or of the execution of a signature certificate, may adopt as and for his facsimile signature the facsimile signature of his predecessor in office in the event that such facsimile signature appears upon the refunding public security or coupons appertaining thereto, or upon both the public security and such coupons.

#### **Contents of Authorization**

**Section 12.** Any ordinance authorizing, or any other instrument appertaining to, any refunding public securities, may provide that each refunding public security therein authorized shall recite that

it is issued under the authority of this Act. Such recital shall conclusively impart full compliance with all of the provisions hereof, and all public securities issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

#### **Clerk's Certificate**

**Section 13.** The clerk shall endorse a certificate upon every refunding public security, that the same is issued pursuant to law and is within the debt limit of the issuer.

#### **Compliance with Limitations**

**Section 14.** The determination of a governing body that all the limitations hereunder imposed upon the issuance of refunding public securities have been met shall be conclusive in the absence of fraud or arbitrary and gross abuse of discretion.

#### **Action by Governing Bodies**

**Section 15.** When a public body having outstanding indebtedness has been divided and parts thereof included within two or more other public bodies, by any lawful means, the refunding of such securities shall require affirmative action by a majority of the members of the governing bodies of each of the public bodies within which any part of the area of such public body which is being lawfully taxed to pay such outstanding indebtedness is then included, except as hereinafter provided. The indebtedness of any public body outstanding at the time a part or parts of said public body are detached therefrom by any lawful means, and which public body has retained its lawful corporate existence subsequent to the detachment of such land from said public body may be refunded by action of the governing body of such public body from which land has been detached with or without concurrence or action by the governing board of the public body, if any, within which said detached land is included.

#### **Tax Levy**

**Section 16.** The governing body shall cause to be levied annually, without limitation of rate or amount, upon all taxable property of the issuer, in addition to other authorized taxes, a sufficient sum to pay the principal of and the interest on the refunding public securities until the refunding public securities issued pursuant to this Act shall have been fully paid, satisfied and discharged, but nothing herein contained shall be construed so as to prevent the governing body from applying any other funds that may be in the treasury of the issuer and available for that purpose for the payment of said interest or principal as the same respectively mature, and the levy or levies provided for may thereupon to that extent be diminished. Should the tax for the payment of the principal and interest on any refunding public security at any time not be levied or collected in time to meet such payment, or if the refunding public securities are issued at such a time as shall make it impossible to levy a tax for the initial installments of principal or interest, the principal or interest so maturing shall be paid out of the general fund of the issuer, or from any other funds available for that purpose, and for the purpose of reimbursing such fund or funds the money so used may be repaid from the first moneys collected from taxes thereafter levied. The full faith and

credit of the issuer shall be pledged for the punctual payment of the principal and interest on the refunding public securities. Provided, however, that in the event the public securities to be refunded and the interest thereon accruing would have been paid from taxes levied upon only part of the taxable property within the boundaries of the issuer, the taxes levied for payment or redemption of the refunding public securities, and the interest accruing thereon, shall be levied in the same manner and upon only the same taxable property as would have been levied for the payment of the public securities to be refunded if no refunding of said public securities had been accomplished. Provided, further that any tax levied to retire any refunding public security issued by a hospital district shall be subject to the limitations set forth in Section 35-127, Wyoming Statutes 1957, as amended.

#### **State Permanent Funds May be Invested**

**Section 17.** The state treasurer of the State of Wyoming, with the approval of the governor and attorney general, is hereby authorized to invest any permanent state funds available for investment in refunding public securities.

#### **Refunding Securities to be Free From Wyoming Tax**

**Section 18.** The refunding public securities issued by any issuer pursuant to this Act, their transfer, and the income therefrom, shall at all times be free from taxation within the State of Wyoming, except for estate and inheritance taxes.

#### **Sections Repealed**

**Section 19.** Sections 18-269; 18-270; 18-271; 18-272; 18-273; 18-274; 18-275; 18-276; 18-277; 18-278; 18-279; 18-280; 21-88; 21-89; 21-90; 21-91; 21-92; 21-93; 21-94; 21-95; 21-96; 21-97; 21-98; and 21-99, Wyoming Statutes 1957, are hereby repealed.

#### **Saving Clause**

**Section 20.** This Act shall have no effect on the legality of any outstanding public security issued for refunding or other purposes pursuant to any other law.

#### **Authority of Act**

**Section 21.** This Act, without reference to other statutes of the State, except as herein otherwise specifically provided, shall constitute full authority for the authorization and issuance of refunding public securities hereunder. No other Act or law with regard to the authorization or issuance of securities that in any way impedes or restricts the carrying out of the Acts herein authorized to be done shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto, except as otherwise provided herein. The powers conferred by this Act shall be in addition and supplemental to, and not in substitution for, and the limitations imposed by this Act shall not affect the powers conferred by, any other law except as otherwise provided herein.

**Section 22.** This Act shall take effect upon approval.

Approved February 17, 1965.

**CHAPTER 92**

Original House Bill No. 219

**1965 PUBLIC SECURITIES VALIDATION ACT**

AN ACT concerning the validation of public securities, and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Short Title**

**Section 1.** This Act shall be known as the 1965 Public Securities Validation Act.

**Definitions**

**Section 2.** As used in this Act:

1. "Public body" of the state means any state educational institution or other state institution, its board of trustees or other governing body thereof constituting a body corporate, any county, city, or town, whether incorporated or governed under a general act, special charter, or otherwise, any school district, high school district, community college district, sanitary and improvement district, hospital district, power district, irrigation district, drainage district, water conservancy district, water district, sewer district, water and sewer district, cemetery district, fire protection district, any other corporate district, any corporate commission or any other political subdivision of the state constituting a body corporate.

2. "Public security" means a bond, note, certificate of indebtedness, coupon, or other similar obligation for the payment of money, issued by this state or by any public body thereof.

3. "State" means the State of Wyoming and any board, commission, department, corporation, instrumentality or agency thereof.

**Securities Validated**

**Section 3.** All public securities of the state and of all public bodies thereof outstanding on the effective date of this Act, the right to the payment of which has not been barred by any pertinent statute of limitations, and all acts and proceedings heretofore had or taken, or purportedly had or taken by or on behalf of the state or any public body thereof under law or under color of law preliminary to and in the authorization, execution, sale, issuance and payment (or any combination thereof) of all such public securities, are hereby validated, ratified, approved and confirmed, including but not necessarily limited to the terms, provisions, conditions and covenants of any resolution or ordinance appertaining thereto, the redemption of public securities before maturity and provisions therefor, the levy and collection of rates, tolls and charges, special assessments, and general and other taxes, and the acquisition and application of other revenues, the pledge and use of the proceeds thereof, and the establishment of liens thereon and funds therefor, appertaining to such public securities, except as hereinafter provided, notwithstanding any lack of power, authority, or otherwise, and notwithstanding any defects and irregularities in such public securities, acts and proceedings, and in such authorization, execution, sale, issuance and payment. Such out-

standing public securities are and shall be binding, legal, valid and enforceable obligations of the state or the public body issuing them in accordance with their terms and their authorizing proceedings.

#### **Legislative Authority Supplied; Limitations**

**Section 4.** This Act shall operate to supply such legislative authority as may be necessary to validate any public securities heretofore issued and any such acts and proceedings heretofore taken which the legislature could have supplied or provided for in the law under which such public securities were issued and such acts or proceedings were taken. This Act, however, shall be limited to the validation of public securities, acts and proceedings to the extent to which the same can be effectuated under the state and federal constitutions. Also this Act shall not operate to validate, ratify, approve, confirm or legalize any public security, act, proceeding or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined, and shall not operate to confirm, validate or legalize any public security, act, proceedings, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

#### **Legislative Authority Supplied; Limitations**

**Section 5.** This Act shall take effect upon approval.

Approved February 17, 1965.

### **CHAPTER 93**

Original House Bill No. 264

#### **CHILD CARING FACILITIES**

AN ACT to amend and re-enact Section 2, Chapter 135, Session Laws of Wyoming 1961, as amended and re-enacted by Section 3, Chapter 153, Session Laws of Wyoming 1963, relating to camps being excluded from coverage by the Child Care Agency Licensing Law; to amend and re-enact Section 3, Chapter 135, Session Laws of Wyoming 1961, as amended and re-enacted by Section 4, Chapter 153, Session Laws of Wyoming 1963, relating to camps being included in those child care facilities not required to be certified under the Child Care Agency Licensing Law; and to repeal paragraph (E) of subsection (2), Section 5, Chapter 153, Session Laws of Wyoming 1963.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Certification Requirement; Child-caring Facility Definition**

**Section 1.** That Section 2, Chapter 135, Session Laws of Wyoming 1961, as amended and re-enacted by Section 3, Chapter 153, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

All privately operated child-caring facilities, except those excluded under the provisions of Section 3 of this Act, prior to the exercise of care, custody or control of one or more minors, shall be required to be certified by the certifying authority. "Child-caring facilities" as used in this Act shall include privately operated (1) children's

institutions; (2) child-placing agencies, whether for permanent or for temporary placement; (3) Foster homes not supervised by an official agency of the State of Wyoming or by any local governmental unit or school district, or any agency thereof; (4) group day care agencies; (5) detention homes; (6) receiving homes, public and private; (7) correctional schools; (8) homes for defective children; (9) ranches for children, whether for summer operation only or otherwise; (10) day or hourly nurseries, nursery schools, kindergartens, and all other pre-school establishments not accredited by the state board of education; (11) boarding homes not supervised by an official agency of the State of Wyoming or by any local governmental unit or school district, or any agency thereof; and (12) any other entity, and any person not related by blood or marriage to a minor having the legal or physical care, custody or control of minors under the age of seventeen years and receiving payment therefor where said custody is not supervised by an official agency of the State of Wyoming or by any local governmental unit, school district, or agency thereof.

#### **Exceptions from Act**

**Section 2.** That Section 3, Chapter 135, Session Laws of Wyoming 1961, as amended and re-enacted by Section 4, Chapter 153, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

The provisions of this Act shall not apply to (1) the care of a child residing in his own home, nor that of his adoptive parents, nor that of any person to whom he is related by blood or marriage; (2) the occasional care of a neighbor's or friend's child where the care-taking person does not regularly engage in such activity; (3) the exchange of care of one mother's children by parents on a mutually cooperative basis; or, (4) the care of a child by a person employed to come to the home of the child's parent or guardian; or, (5) day care agencies providing care for less than three minors under the age of seventeen (17); and (6) foster homes supervised by an official agency of the State of Wyoming or by any local governmental unit or school district in the State of Wyoming, or by any agency thereof; (7) Ranches or farms which do not offer services to homeless, delinquent, or retarded children, (8) camps for summer operation only, which are operated by organizations not organized for profit making purposes.

#### **Section Repealed**

**Section 3.** Paragraph (E) of subsection (2), Section 5, Chapter 153, Session Laws of Wyoming 1963, is hereby repealed.

Approved February 17, 1965.



**CHAPTER 94**

Original Senate File No. 109

**MINE INSPECTOR**

AN ACT amending and re-enacting Section 30-115, Wyoming Statutes 1957, as amended and re-enacted by Section 12, Chapter 116, Session Laws of Wyoming 1963, relating to the Mine Inspector and his deputies, providing for an increase in the Mine Inspector's salary; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Salary of Inspector and Deputy; Expenses of Office**

**Section 1.** That Section 30-115, Wyoming Statutes 1957, as amended and re-enacted by Section 12, Chapter 116, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

The Mine Inspector shall receive an annual salary of ten thousand and eight hundred dollars (\$10,800.00) and each deputy inspector shall receive an annual salary of eight thousand four hundred dollars (\$8,400.00), and all of them shall receive actual expenses when in the discharge of their duties.

The Mine Inspector is hereby authorized to procure such instruments, chemical tests, and stationery and to incur such communication expense as may be necessary to the discharge of his duties and those of his deputies; provided that such expense shall not exceed the contingent fund provided. All expenses of the Mine Inspector or his deputies, or his or their offices, shall be paid out of the State Treasury upon accounts duly certified by the Mine Inspector and audited by the State Auditor. All instruments, plans, books, memoranda, notes, and other property pertaining to the offices hereby created, shall be the property of the State, and shall be delivered by each inspector to his successor in office. Each inspector shall be allowed all expenses necessarily incurred in enforcing the provisions of law relating to coal mines in the Courts of this State when such expenses are certified to be correct by the Court before which the proceedings were heard.

**Section 2.** This Act shall take effect March 1, 1965.

Approved February 17, 1965.

**CHAPTER 95**

Original Senate File No. 66

**CIGARETTE EXCISE TAX**

AN ACT to amend and re-enact Section 39-172, Wyoming Statutes 1957, relating to excise tax on the sale of cigarettes; providing for the distribution thereof to cities and counties; and providing for the distribution by the board of equalization of two per cent (2%) of the taxes collected to defray the administration expenses of this Act.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Deposit of Tax Proceeds; Deduction for Administrative Expenses;  
Distribution to Cities and Counties**

**Section 1.** That Section 39-172, Wyoming Statutes 1957, is hereby amended and re-enacted to read as follows:

All sums of money received and collected under the provisions of this Act shall be deposited by the board in a bank approved by the state board of deposits, and after collections have cleared through said bank, the same, excepting bond deposits and the amount of refunds, if such be made, shall be transferred to the state treasurer, who shall place the same to the credit of the proper accounts. The state board of equalization shall each month compute from such wholesaler's returns the amount of taxes paid on sales of cigarettes within each incorporated town and city in the state and within each county outside of the limits of incorporated towns and cities. Said board shall then deduct two (2%) percent of the taxes collected by virtue of such sales which shall be used to defray the administration expenses of the department of revenue. The remainder of the taxes paid on sales of cigarettes computed from the monthly returns of the wholesalers, as aforesaid, shall be distributed and paid over as follows: (1) To each incorporated city and incorporated town, the remainder of said proceeds derived from such sales made in each said city and town during said month. (2) To each board of county commissioners for deposit in the general fund of said county the remainder of said proceeds derived from such sales made within the county but outside the corporate limits of cities and towns.

Approved February 18, 1965.

**CHAPTER 96**

Original Senate File No. 65

**GASOLINE TAX**

AN ACT authorizing the State Board of Equalization and the State Treasurer to deduct the cost of collecting and distributing gasoline tax revenue prior to depositing the balance in the state highway fund; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Board of Equalization Deduction for Administrative Expenses**

**Section 1.** The State Board of Equalization, acting through its Department of Revenue, is authorized to expend from the gasoline tax revenue as provided for in sub-paragraph 3 of Section 39-200, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 185, Session Laws of Wyoming 1961, for the collection thereof not to exceed Eighty-nine Thousand One Hundred Fifty-six Dollars (\$89,156.00) for the two years ending June 30, 1967.

**State Treasurer Deduction for Administrative Expense**

**Section 2.** The State Treasurer is authorized to expend from the gasoline tax revenue for its expenses of distributing the said

gasoline taxes provided for in sub-paragraph 3 of Section 39-200, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 185, Session Laws of Wyoming 1961, the sum of Fifty-four Thousand Six Hundred-thirty Dollars (\$54,630.00) for the two years ending June 30, 1967.

#### **Compliance with Budget Act Required**

**Section 3.** Both the State Board of Equalization acting through its Department of Revenue, and the State Treasurer shall comply with the provisions of the Budget Act insofar as expenses for collection, distribution and administrative purposes are concerned.

**Section 4.** This Act shall take effect and be in force on and after June 30, 1965.

Approved February 18, 1965.

### **CHAPTER 97**

Original House Bill No. 64

#### **MINIMUM WAGE**

AN ACT to amend and re-enact Section 27-208, Wyoming Statutes 1957, relating to the minimum wage rate, to increase the hourly rate; to amend and re-enact Section 27-210, Wyoming Statutes 1957, relating to liability for payment of wages below the minimum rate and increasing the minimum rate therein.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Rate**

**Section 1.** That Section 27-208, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Every employer shall pay to each of his or her employees, wages at a rate of not less than One Dollar (\$1.00) per hour.

#### **Penalty**

**Section 2.** That Section 27-210, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Any employer who shall pay to any employee wages at a rate less than One Dollar (\$1.00) per hour shall be liable in a civil action, to the employee in the amount of his or her unpaid minimum wage, and the aggrieved employee may bring a civil action for enforcement of this Act and the recovery of his or her unpaid wages together with reasonable attorney fees and the costs of the action.

Approved February 18, 1965

**CHAPTER 98**

Original House Bill No. 2

**SHEEP BRAND INSPECTION**

AN ACT requiring the inspection for brands and ownership of sheep, lambs, wool, pelts and carcasses thereof; providing for a mill levy upon all sheep and inspection fee; providing for the manner of inspection of sheep; granting authority for the promulgation of rules and regulations by the Wyoming Live Stock and Sanitary Board relative to inspection; providing for a penalty for violations; repealing the Declaration of Sheep Ownership Act, Sections 11-466 through 11-476, both inclusive, Wyoming Statutes 1957.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Livestock and Sanitary Board to Inspect Sheep Brands;  
Expenses to be Reported; Mill Levy**

**Section 1.** (a) The Wyoming Live Stock and Sanitary Board or its authorized agency shall make inspection for brands and ownership of sheep and lambs, and the wool, pelts and carcasses thereof.

(b) The manner and method of such sheep inspection shall be conducted as by law provided for the inspection of other livestock.

(c) The Board shall report their expenses of sheep inspection along with its report on other live stock inspections to the State Board of Equalization, and the State Board of Equalization shall order and fix a mill rate of a special tax not to exceed six (6) mills to be levied upon all sheep in each county annually to help defray the Board's expenses of sheep inspection.

**Inspection Procedure**

**Section 2.** (a) The Board or its agency in the conduct of inspection of sheep and lambs shall vary the manner applied to the inspection of other live stock by the following exceptions:

(b) All inspection of sheep shall be conducted within the State of Wyoming. If sheep are to be transported interstate, inspection shall be made prior to loading; provided, however, when the owner or his agent is moving his sheep to an accustomed range in another state no inspection will be required provided such owner has notified the Board in writing of his range operations and received from the Board and inspection waiver, prior to the loading or movement of such sheep, with the exception, however, that the local brand inspector shall have the right to inspect the sheep at his discretion, without charge.

(c) A brand inspector shall have the authority to inspect live stock being transported, trailed, pastured, or confined at his discretion, to determine ownership, without an inspection fee.

(d) Any other requirements presently applied to the inspection of live stock which are inconsistent with the inspection of sheep may be altered or made non-applicable by a rule or regulation promulgated by the Board.

**Inspection Fee**

**Section 3.** (A) For making an inspection of sheep for brands

and ownership as required by the Act, the Board shall charge and collect an inspection fee of not more than four cents (\$.04) per head on all sheep inspected, including unbranded sheep and lambs; but no fee shall be charged or collected for unbranded and undocked lambs running with their mothers.

(B) Provided, that after sheep or lambs have been inspected and within 100 days another inspection is required then the fee therefor shall not exceed two cents (2¢) per head; if after an inspection of sheep or lambs and such sheep or lambs are being sold for immediate slaughter and the time elapsed since their first inspection does not exceed 150 days then the fee for such final inspection shall not exceed one cent (1¢) per head.

#### **Rules and Regulations**

**Section 4.** The Board shall make and promulgate such rules and regulations governing inspection of sheep, lambs, pelts, wool, sheep carcasses, and ownership as are deemed necessary and are compatible with the provisions of this Act and other laws of the State of Wyoming.

#### **Penalty**

**Section 5.** Any person, partnership, or corporation who shall violate any provision or requirement of this Act or any rule or regulation adopted by the Board, pursuant to this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be punishable by fine of not less than Twenty-five Dollars (\$25), or more than One Hundred Dollars (\$100) for each offense, to which may be added imprisonment in the county jail not exceeding sixty (60) days.

#### **Sections Repealed**

**Section 6.** That Sections 11-466 through 11-476, both inclusive, Wyoming Statutes 1957, the amendments thereto, and cited as Declaration of Sheep Ownership Act, be and the same are hereby repealed.

Approved February 18, 1965

### **CHAPTER 99**

Original House Bill No. 288

#### **COMMUNITY MENTAL HEALTH CENTERS**

AN ACT to amend and re-enact paragraph (1), subsection B, Section 35-116, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 142, Session Laws of Wyoming 1959, relating to hospital districts and to include community mental health centers within the definition of "hospital."

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Definition**

**Section 1.** That paragraph (1), subsection B, Section 35-116, Wyoming Statutes 1957, as amended and re-enacted by Section 1,

Chapter 142, Session Laws of Wyoming 1959, is amended and re-enacted to read as follows:

(1) "Hospital" and "hospital purposes" shall mean any institution, place, building, or agency in which any accommodation is maintained, furnished or offered for the hospitalization of the sick or injured or care of any person or care of any persons requiring or receiving chronic or convalescent care, and shall include public health centers, community mental health centers, and other types of hospitals and centers, including but not limited to general, tuberculosis, mental, and chronic disease hospitals, and also medical facilities, and related facilities.

Approved February 18, 1965

## CHAPTER 100

Original Senate File No. 60

### UNIVERSITY OF WYOMING CONSTRUCTION BONDS

AN ACT authorizing the Trustees of the University of Wyoming to issue bonds payable from income from the University Permanent Land Fund, and other funds for the following purposes: (a) to construct, furnish and equip a classroom building; (b) to construct, furnish and equip a vocational teacher education and agricultural engineering building; (c) to expand and improve power plant facilities; (d) to construct, furnish and equip facilities of the science center complex; (e) to purchase thirty-three acres of land from the City of Laramie; (f) to pay interest on bonds until other income is available therefor; authorizing the State Treasurer to invest State Funds in the authorized bonds, and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Trustees to Issue Bonds

**Section 1.** The Trustees of the University of Wyoming, a body corporate of the State of Wyoming, are hereby authorized to issue bonds or other securities, hereinafter referred to as bonds, in the total principal amount of Four Million, Two Hundred Ten Thousand Dollars (\$4,210,000) for the purposes set forth in Section 5 hereof.

#### Description; Resolution, Contents

**Section 2.** (a) Except as herein otherwise provided, any bonds herein authorized to be issued shall bear such date or dates, shall be in such denomination or denominations, shall mature at such time or times but in no event exceeding forty years from their date, shall bear interest at a rate or rates not exceeding seven per centum per annum, which interest may be evidenced by one or two sets of coupons, payable annually or semiannually, except that the first coupon or coupons appertaining to any bond may represent interest for any period not in excess of one year, as may be prescribed by resolution or other instrument; and said bonds and any coupons shall be payable in such medium of payment at any banking institution or such other place or places within or without the State, as determined by the Trustees, and said bonds at the option of the Trustees may be

in one or more series, may be made subject to prior redemption in advance of maturity in such order or by lot or otherwise at such time or times without or with the payment of such premium or premiums not exceeding seven per centum of the principal amount of each bond so redeemed, as determined by the Trustees.

(b) Any resolution authorizing the issuance of bonds or other instrument appertaining thereto may capitalize interest on any bonds during any period of construction estimated by the Trustees and one year thereafter and any other cost of any project herein authorized, by providing for the payment of the amount capitalized from the proceeds of the bonds.

(c) The resolution authorizing the bonds or other instrument appertaining thereto may contain any agreement or provision customarily contained in instruments securing revenue bonds, including without limiting the generality of the foregoing, bond covenants.

(d) Bonds may be issued with privileges for conversion or registration, or both, for payment as to principal or interest, or both; and where interest accruing on the bonds is not represented by interest coupons, the bonds may provide for the endorsing of payments of interest thereon; and the bonds generally shall be issued in such manner, in such form, either coupon or registered, with such recitals, terms, covenants and conditions, and with such other details, as may be provided by the Trustees in the resolution authorizing the bonds, or other instrument appertaining thereto, except as herein otherwise provided.

(e) In case any outstanding bond shall become mutilated or be destroyed, stolen, or lost, the Trustees may authenticate and deliver a new bond (with appropriate coupons attached unless registered for payment as to interest) of like tenor, number, and amount as the bond and appurtenant coupons, if any, so mutilated, destroyed, stolen, or lost:

- i. In exchange and substitution for such mutilated bond and appurtenant coupons, if any, or
- ii. In lieu of and substitution for the bond and appurtenant coupons, if any, destroyed, stolen, or lost:
  - A. Upon filing with the Trustees evidence satisfactory to them that such bond and appurtenant coupons, if any, have been destroyed, stolen, or lost and proof of ownership thereof, and
  - B. Upon furnishing the Trustees with indemnity satisfactory to them,

upon complying with such reasonable regulations as the Trustees may prescribe, and upon the payment of such expenses as the Trustees may incur in connection therewith. Nothing herein contained in this subsection (e) shall be construed as prohibiting the Trustees from reissuing (upon such terms and conditions as the Trustees and the holder thereof, or, if registered for payment to other than bearer, the registered owner thereof, may determine) any outstanding bond which shall not have become mutilated, destroyed, stolen, or lost,

regardless of whether so provided in any proceedings authorizing its issuance.

(f) Any resolution authorizing the issuance of bonds or any other instrument appertaining thereto may provide for their reissuance in other denominations in negotiable or nonnegotiable form and otherwise in such manner and form as the Trustees may determine.

(g) Any resolution authorizing, or other instrument appertaining to, any bonds hereunder may provide that each bond therein authorized shall recite that it is issued under authority hereof. Such recital shall conclusively impart full compliance with all of the provisions hereof, and all bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

(h) Subject to the payment provisions herein specifically provided, any bonds, any interest coupons thereto attached, and any temporary bonds issued pending preparation of definitive bonds shall be fully negotiable within the meaning of and for all the purposes of the Uniform Commercial Code, except as the Trustees may otherwise provide; and each holder of such bond, or of any coupon appertaining thereto, by accepting such bond or coupon shall be conclusively deemed to have agreed that such bond or coupon (except as otherwise provided) is and shall be fully negotiable within the meaning and for all purposes of said Uniform Commercial Code.

(i) Notwithstanding any other provision of law, the Trustees in any proceedings authorizing bonds hereunder:

- i. May provide for the initial issuance of one or more bonds (in this subsection (i) called "bond") aggregating the amount of the entire issue or any part thereof;
- ii. May make such provision for installment payments of the principal amount of any such bond as it may consider desirable;
- iii. May provide for the making of any such bond payable to bearer or otherwise, registrable as to principal or as to both principal and interest, and where interest accruing thereon is not represented by interest coupons, for the endorsing of payments of interest on such bonds; and
- iv. May further make provision in any such proceedings for the manner and circumstances in and under which any such bond may in the future, at the request of the holder thereof, be converted into bonds of smaller denominations, which bonds of smaller denominations may in turn be either coupon bonds or bonds registrable as to principal, or principal and interest, or both.

(j) Except for any bonds which are registrable for payment of interest, interest coupons payable to bearer and appertaining to the bonds shall be issued and shall bear the original or facsimile signature of the President of the Trustees.

(k) Any bonds herein authorized may be executed as provided by Session Laws of Wyoming, 1959, Chapter 34.



(l) The bonds and any coupons, bearing the signatures of the officers in office at the time of the signing thereof, shall be the valid and binding obligations of the Trustees, notwithstanding that before the delivery thereof and payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices.

(m) Any officer herein authorized or permitted to sign any bond or interest coupon, at the time of its execution and of the execution of a signature certificate, may adopt as and for his own facsimile signature the facsimile signature of his predecessor in office in the event that such facsimile signature appears upon the bond or coupons appertaining thereto, or upon both the bond and such coupons.

#### **Sources of Revenue**

**Section 3.** The bonds to be issued hereunder shall not constitute a general obligation of the State of Wyoming, nor of the Trustees, nor of the University of Wyoming, but shall be special obligations payable solely, to the extent specified, from revenues to be derived from (a) income credited to that fund known as the University Land Income Fund and arising from grant lands identified by Section 8 of the Act of Admission of the State of Wyoming; (b) income received and accounted by the University of Wyoming in its sales and service fund from sources other than tax revenues appropriated by the Legislature of the State. Payment of the bonds shall be secured by an irrevocable pledge by the Trustees of all or part of either or both of the revenues specified in (a) and (b) above, provided that only so much of the income received each year in the fund specified in (b) above shall be pledged as may be necessary, when added to amounts available under (e) above, to pay interest and principal obligations becoming due in such year or remaining unpaid from prior years.

The Trustees shall have the right and privilege, in their discretion, to use any income specified in (a) and (b) above to pay and retire bonds prior to maturity.

#### **Obligation of Trustees**

**Section 4.** The obligation of the Trustees to the holders of the bonds shall be limited to applying the funds, as set forth above, to the payment of interest and principal on said bonds, and the bonds shall contain a provision to that effect. In the event of default in the payment of said bonds or the interest thereon, and in the event that the Trustees are misusing such funds or not using them as herein provided, then such holders, or any of them, may bring suit against the Trustees in the District Court of Albany County for the purpose of restraining the Trustees from using such funds for any purpose other than the payment of the principal and interest on such bonds in the manner herein provided.

#### **Use of Proceeds**

**Section 5.** The Trustees are hereby authorized to use the proceeds realized through the issuance of said bonds for the following purposes:

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- (a) to construct, furnish and equip a classroom building;
- (b) to construct, furnish and equip a vocational teacher education and agricultural engineering building;
- (c) to expand and improve the facilities for steam production and distribution, and to acquire, expand and improve facilities for the acquisition and distribution of electric power;
- (d) to construct, furnish and equip facilities of the science center complex;
- (e) to purchase thirty-three acres of land from the City of Laramie;
- (f) to pay interest on bonds to be issued hereunder until such time as funds are available in accordance with Section 3 hereof to pay such interest.

#### **Trustees May Accept Grants, Bequests**

**Section 6.** In addition to the proceeds of the bonds hereby authorized the Trustees are authorized to accept grants or bequests to expand and improve and further equip additional facilities to the science center complex, but the authority hereby granted to issue bonds and to construct, furnish and equip such additional facilities is in no wise conditioned upon the receipt of such grants or bequests.

#### **Construction Based on Competitive Bidding**

**Section 7.** Except as herein otherwise provided, the work of constructing buildings, facilities and improvements shall be done by contract based on competitive bidding. Notice of call for bids shall be for such period of time and in such manner as the Trustees may determine, and the Trustees shall have the power to reject any and all bids and re-advertise for bids as they consider proper. The landscaping around the various projects and the preparation of parking lots and similar facilities in connection with any of the projects may, in the discretion of the Trustees, be done in whole or in part by University personnel rather than by contract let on competitive bidding.

#### **When to be Issued**

**Section 8.** The bonds authorized hereby may be issued from time to time as the Trustees may in their discretion determine. The Trustees may issue bonds for any one or more, or all, of the purposes specified herein.

#### **Permanent State Funds May be Invested**

**Section 9.** The State Treasurer of the State of Wyoming, with the approval of the Governor and Attorney General, is hereby authorized to invest any permanent State Funds available for investment in the bonds to be issued hereunder.

#### **Severability Clause**

**Section 10.** If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and

to this end the provisions of this Act are declared to be severable.

**Section 11.** This Act shall take effect and be in force from and after its passage.

Approved February 18, 1965

## CHAPTER 101

Original House Bill No. 23

### COUNTY OFFICES - SALARIES

AN ACT to amend and re-enact Section 18-74, Wyoming Statutes, 1957, as amended by Section 1, Chapter 33, Session Laws of Wyoming 1961, relating to the annual salaries of county officers, providing increases thereof; and to consolidate the statutes pertaining to the appointment, salaries, compensation and expenses of county officers and employees by adding two subsections, providing for the compensation and expenses of county commissioners and for the appointment and salaries of deputy county officers and for the appointment of clerks, stenographers and other assistants; and to repeal Sections 18-83 and 18-148, Wyoming Statutes 1957, as amended.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Salary Schedule

**Section 1.** That Section 18-74, Wyoming Statutes, 1957, as amended by Section 1, Chapter 33, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

(a) The various county officers in their respective counties hereinafter designated, shall receive the following annual salaries payable in equal monthly installments.

Officers	First Class Counties	Second Class Counties	Third Class Counties
County Assessor .....	\$5,850.00	\$5,550.00	\$5,250.00
County & Prosecuting Attorney	5,850.00	4,950.00	4,550.00
County Clerk .....	5,850.00	5,550.00	5,250.00
Clerk of District Court .....	5,850.00	5,550.00	
County Sheriff .....	5,850.00	5,550.00	5,250.00
County Superintendent of Schools	5,850.00	5,550.00	5,250.00
County Treasurer .....	5,850.00	5,550.00	5,250.00

(i) Provided, however, that in counties having assessed valuation of more than \$30,000,000 and less than \$42,000,000 the annual salaries of the above-named officers shall be \$6,450.00 each; in counties having assessed valuation of \$42,000,000 or more and less than \$55,000,000 the annual salaries of the above-named officers shall be \$6,750.00 each; and in counties having an assessed valuation of \$55,000,000 or more the annual salaries of the above-named officers shall be \$8,100.00 each.

(ii) The salaries hereinabove provided shall compensate such county officers for all of the duties prescribed by law to be performed by them, and no such officer shall receive from state or county funds any additional or separate salary or compensation other than as above

specified; provided, that this restriction shall not apply to traveling and other expenses nor to compensation allowed for office or house rent when expressly provided by law.

(b) Each county commissioner shall receive such compensation as shall be fixed by the Board of County Commissioners, not to exceed Eighteen Dollars (\$18) per day for each day actually employed, but in no case shall the annual compensation in the respective counties exceed the following amounts: In counties having an assessed valuation in excess of Sixty Million Dollars (\$60,000,000), Two Thousand Dollars (\$2,000), in counties having an assessed valuation of more than Thirty Million Dollars (\$30,000,000), but less than Sixty Million Dollars (\$60,000,000), Sixteen Hundred Dollars (\$1,600) and in counties having an assessed valuation of less than Thirty Million Dollars (\$30,000,000), Fifteen Hundred Dollars (\$1,500). In addition thereto, each commissioner shall be paid his actual expenses while away from his home on official county business and not exceeding Ten Cents (\$.10) per mile for each mile actually and necessarily traveled other than in a county owned vehicle in going to and returning from the meetings of the Board and in the discharge of the duties of his office provided that only one such mileage allowance shall be allowed per vehicle per trip, and provided further that in no event shall more than the following amounts be paid for expenses to any commissioner in any fiscal year: In counties having an assessed valuation in excess of Sixty Million Dollars (\$60,000,000), Two Thousand Dollars (\$2,000), in counties having an assessed valuation of more than Thirty Million Dollars (\$30,000,000), but less than Sixty Million Dollars (\$60,000,000), Sixteen Hundred Dollars (\$1,600) and in counties having an assessed valuation of less than Thirty Million Dollars (\$30,000,000), Fifteen Hundred Dollars (\$1,500). No commissioner's salary or expense for any purpose shall be charged to any account other than the county commissioner's account in the county budget. No commissioner shall be allowed any other salary from the county other than that herein stipulated.

(c) The county assessor, county clerk, clerk of the district court, county sheriff, county and prosecuting attorney, county treasurer, and county superintendent of schools, in each county in the state may, by and with the consent of the Board of County Commissioners of the respective counties, appoint one deputy for each of the above-named officers who shall receive an annual salary not in excess of eighty-five per cent (85%) of such officers' salary, and also appoint such other clerks, stenographers and assistants as may be necessary to properly administer the affairs of any county office.

#### **Sections Repealed**

**Section 2.** That Sections 18-83 and 18-148, Wyoming Statutes 1957, as amended, are hereby repealed.

Approved February 19, 1965

**CHAPTER 102**

Original House Bill No. 85

**PSYCHOLOGISTS**

AN ACT providing for the licensing and regulation of psychologists, defining terms, requiring licensing, exceptions to licensing, privilege of communication, and creating a State Board of Examiners, prescribing its power and duties, establishing qualifications for licensing, temporary licenses, reciprocity, procedure for hearing and appeal, providing penalties for violations, establishing fees, limiting powers of psychologists.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Definitions**

**Section 1.** For the purposes of this Act the following definitions shall apply:

(a) Accredited college or university—Any college or university accredited by a regional accrediting association offering a full time resident graduate program in psychology leading to the doctoral degree.

(b) Licensed Psychologist—A person licensed to practice psychology under this Act.

(c) Board—The Wyoming State Board of Psychologist Examiners.

(d) Psychology—The application and teaching of principles of learning, motivation, perception, thinking, and emotional relationships as applied in, but not limited to, the following psychological techniques: Counseling and guidance; Behavior modification including psychotherapeutic techniques; Measuring and testing of personality, intelligence, aptitudes, attitudes, skills, emotions and public opinion; Psychological research; Teaching or lecturing; and Consultation.

**License Required; Exceptions**

**Section 2.** (a) Any person who, individually or as a member or employee of a firm, partnership, association, corporation or institution, holds himself to be a psychologist and uses a title or description of services which incorporates the word "psychological", "psychologist", or "psychologic", or "psychology" and renders services for compensation or other personal gain involving the application of principles, methods, procedures of the science and profession of psychology, shall hereafter be licensed under the terms of this Act.

(b) Nothing in this Act shall be construed to limit the activities and services of a teacher, student, intern or resident in psychology in a school, college or university that are performed as a part of his supervised degree program or on behalf of his employer.

(c) Nothing in this Act shall prevent the employment by a person, association, partnership or a corporation furnishing psychological services under the provision of this Act to perform services in various capacities as needed, if such persons work under the supervision of a psychologist licensed under the provisions of this Act and if such persons are not in any manner held out to the public as psychologists licensed under the Act.

(d) Nothing in this Act shall authorize any person to engage in the practice of medicine as defined by the laws of this state; nor shall this Act be construed to prevent members of other professions from performing psychological services as a part of their professions so long as such persons do not represent themselves to the public as being psychologists.

(e) Any person to whom the State Department of Education has issued a current Pupil Personnel Certificate endorsed for guidance or psychological services shall not be subject to the provisions of this Act, but nothing contained in this subsection shall be construed as permitting such person to offer, or render his services as a psychologist to any person, firm or corporation other than his institutional employer unless he has been licensed under the provisions of this Act.

#### **Communications to be Privileged**

**Section 3.** A licensed psychologist may not reveal without the consent of his client any communication made by the client to him or the client's legal advisor or his advice given hereon in the course of professional employment; nor shall a licensed psychologist's secretary, stenographer, clerk or other employee reveal, without the consent of his employer or the client, any facts, the knowledge of which he has acquired in such capacity.

#### **Board of Examiners Created; Membership; Meetings; Report to Governor; Vacancies**

**Section 4.** (a) The Wyoming State Board of Psychologist Examiners shall consist of five (5) psychologists representative of the various areas of psychology who shall be appointed by the Governor from a list of ten (10) nominees presented by the Wyoming Psychological Association, and who shall serve without compensation other than reasonable and necessary expenses incurred in the performance of their duties.

(b) The members of the Board shall be appointed as soon as possible after enactment hereof, to serve the following terms: One member for one year, two members for two years, and two members for three years from July 1, 1965. Thereafter, at the expiration of the term of each member, the Governor shall appoint a successor for a term of three years. Each member of the Board first appointed under this Act shall be issued a license according to this Act.

(c) Each member of the Board shall be a citizen of the United States, a resident of this state, and licensed under this Act, except that the members comprising this Board as first appointed shall be persons who have been engaged in rendering services, teaching, or research in psychology for a period of at least five years and who hold a doctoral degree.

(d) The Board shall hold a regular annual meeting in which it shall select from its members a Chairman and a Vice-chairman. Other regular meetings shall be held at such times as the rules of the Board may provide. Special meetings may be held at such times as may be deemed necessary or advisable by the Chairman and the majority of its members, or upon request of the Governor. Reasonable notice of all meetings shall be given in the manner prescribed by the Board.

The quorum of the Board shall consist of the majority of its members. The Secretary of the Board shall be appointed by the Board from its membership; and the Board may employ such other persons as it deems necessary or desirable to carry out the provisions of this Act, all of whom shall receive such compensation as may be fixed in the budget from time to time, but no such persons may be employed with funds other than those received as fees paid under the provision of this Act. The Board shall adopt an official seal.

(e) In addition to the powers and duties granted the Board by the provisions of this Act, the Board may make all rules which are reasonable and necessary for the proper performance of its duties and for the regulation of proceedings before it, and which are not inconsistent with the Constitution or the laws of this state.

(f) As soon as it is practical at the close of each biennium the Board shall submit a report to the Governor concerning the work of the Board during the preceding biennium.

(g) Any vacancy in the membership in the Board occurring other than by expiration of term, shall be filled by appointment by the Governor for the unexpired term, from a current list, similar to the one submitted to him under Section 5 (a) hereof.

(h) The Attorney General of the State of Wyoming shall act as attorney for the Board and he or his representative shall sit as an ex-officio member of the Board in an advisory capacity only.

#### **Examinations; License Term, Form, Renewal; List of Psychologists**

**Section 5.** (a) The Board shall administer examinations to qualified applicants for licensing at least once a year. The Board shall determine the subject and scope of specialized psychological areas and techniques for examination.

(b) Written examinations may be supplemented by such oral examinations as the Board may determine. The Board shall determine an acceptable level of performance for each examination. An applicant who fails this examination may be re-examined at a subsequent examination upon the payment of another examination fee. An applicant who fails two successive examinations may apply after two years additional professional experience for re-examination.

(c) The Board shall issue a license to each person who qualifies as a psychologist, his address, date of issuance, expiration, and bear a serial number. The license shall be signed by the Secretary of the Board under the seal of the Board. The license shall expire one year after its date of issuance or renewal and is invalid thereafter unless renewed. The Board shall notify every person licensed under this Act relative to the date of the expiration of his license and the amount of the renewal fee. This notice shall be mailed to each licensed psychologist at his listed address in Wyoming at least one month before the expiration of the license. Renewal may be made at any time during the sixty (60) days prior to the expiration date by application therefore and failure on the part of any person licensed to pay his renewal fee by the expiration date does not deprive him of the right to renew his license, but the fee shall be increased ten percent (10%) for each month or major portion thereof that the payment of the renewal

fee is delayed after the expiration date. However, the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. Privilege of renewal may follow a lapse of one year or more and will be subject to review by the Board and the applicant may be requested to successfully complete an examination if the Board so determines.

(d) During each year the Board shall publish a list of all psychologists licensed under this Act. This list shall contain the name and address of the psychologist and such other information as the Board deems advisable. The Board shall mail a copy of this list to each person licensed under this Act; shall place a copy on file in the Secretary of State's Office and furnish copies to the public, upon request.

(e) The Board, in addition to the other powers and duties set forth herein, is authorized and empowered to:

(i) Examine for, deny, approve, revoke, suspend and renew the licenses of psychologist applicants as provided under this Act.

(ii) Conduct hearings upon complaints concerning persons licensed under this Act.

(iii) Cause the prosecution and enjoinder of all persons violating this Act, by the complaint of its Secretary signed with the County and Prosecuting Attorney, in the county where the violation took place, and incur necessary expenses therefor.

(iv) Study and review new developments in research, training and the practice of psychology for the purpose of making recommendations to the Governor and other state officials regarding new and revised programs and legislation in psychology which would be beneficial to the citizens of the State of Wyoming.

#### **Application Form**

**Section 6.** (a) The application for examination for licensing as a psychologist shall be upon the forms prescribed by the Board. The Board shall license as a psychologist any person who pays the prescribed fee, who passes a satisfactory examination in psychology and who submits evidence verified by oath and satisfies the Board that he:

(i) Is a resident of or shows satisfactory evidence of intent to become a resident of Wyoming at the time he is licensed.

(ii) Is at least twenty-one (21) years of age.

(iii) Is of good moral character.

(iv) Has received a doctoral degree based on a program of studies whose content was primarily psychological from an accredited college or university having an appropriate graduate program.

#### **Licensing of Psychologists Now Practicing**

**Section 7.** (a) Until December 31, 1965, a person who is at least twenty-one (21) years of age and of good character, a resident of the State of Wyoming for one year prior to said date, may make application to be licensed by the Board as a psychologist. Upon receipt of such application together with fees, such applicant may be licensed by the Board as psychologist:



(b) Without examination, if he has a doctoral degree from an accredited college or university based upon a program which is primarily psychological in both subject matter and the extent of training; and in addition, has had two years of professional experience satisfactory to the Board;

(c) Without examination, if he has a master's degree from an accredited institution based on a program which is primarily psychological; and in addition, has had five years of professional experience satisfactory to the Board;

(d) With examination, if he has a master's degree from an accredited institution based upon a program which is primarily psychological or substantial equivalent thereof and, in addition, has had at least two years but less than five years of professional experience satisfactory to the Board.

#### **Temporary Licenses; Reciprocity**

**Section 8.** (a) Temporary licenses may be issued by the Board to psychologists licensed or certified in another state where the licensing or certification requirements are substantially equivalent to the requirements of this Act or to any psychologist who is a Diplomate in good standing of the American Board of Examiners in Professional Psychology; where such psychologist although a resident of another state is working on an individual matter in Wyoming in a consulting capacity with a licensed Wyoming psychologist and where the resident licensed psychologist requests the issuance of the temporary license in his behalf. Such licenses shall expire at the termination of the project for which they are issued.

(b) Temporary licenses may also be issued by the Board to persons qualified by education and experience and whose applications have been approved while the applicants await the next administration of the examination.

(c) The Board may, upon application and upon payment of the required fee, license as a psychologist, without examination, any person who is licensed or certified as a psychologist by any other state, territory, or possession if the requirements for such licensing in such state, territory, or possession are the substantial equivalent of the requirements of this Act, and if the applicant has established to the satisfaction of the Board his good moral and ethical character and has met the requirements of Section 7 hereof, or is a Diplomate in good standing of the American Board of Examiners in Professional Psychology.

#### **Suspension, Revocation, Denial of License; Grounds; Hearing**

**Section 9.** (a) The license or application of any psychologist for licensing may be suspended, revoked, or denied by the Board upon proof that the psychologist as a part of his experience, or since his licensing:

(i) Has been convicted of a felony by any court; the conviction of any offense which would constitute a felony under the law of this state;

(ii) Is addicted to the use of alcohol, any narcotic, or other drugs having similar effects to an extent or in a manner dangerous to himself, any other person, or the public, or to an extent that such use impairs his ability to perform the work of a professional psychologist with safety to the public, or

(iii) Has been guilty of fraud or deceit in connection with his services rendered as a psychologist;

(iv) Has aided or abetted a person not licensed as a psychologist to represent himself as a psychologist in the State of Wyoming;

(v) Has been guilty of unprofessional conduct;

(vi) Has impersonated another person holding a psychologist's license or allowed another person to use his license;

(vii) Has used fraud or deception or has misrepresented the facts in applying for a license or in taking an examination provided for in this article;

(viii) Has accepted commissions or rebates or other forms of remuneration for referring clients to other professional persons;

(ix) Has willfully or negligently violated any of the provisions of this Act; or

(x) Has failed to meet the requirements for licensing set forth herein.

(b) No license shall be suspended or revoked until after a hearing before the Board. The notice of the hearing shall be served either personally or by registered mail at least ten (10) days prior to the scheduled hearing. It shall set the time and place of the hearing; and shall set forth the ground or grounds constituting the charges against the psychologist. The psychologist is entitled to be heard in his defense either in person or with counsel and may produce testimony and testify in his own behalf. A record of the hearings shall be taken and preserved. The hearing may be adjourned from time to time. If the psychologist fails, or refuses to appear, the Board may proceed to hear and determine the charges in his absence. If the psychologist pleads guilty, or if upon hearing the charges are found to be true, the Board may enter an order suspending or revoking the license or reprimand the psychologist, as the case may be. The Board shall reduce its findings and actions to writing.

(c) The Board through the Chairman or Vice-chairman may administer oaths, and may compel the attendance of witnesses, and the production of physical evidence before it from witnesses upon whom processes are served within the state, as in civil cases, by subpoena issued over the signature of the Chairman, or the Vice-chairman and the seal of the Board. Upon request by an accused psychologist and statement under oath that the testimony or evidence is necessary to his defense, the Board shall use the subpoena power in behalf of the accused psychologist.

(d) Any person who is aggrieved, by reason of the denial, suspension or revocation of his license or of the reprimand, may appeal the Board's order thirty days after receiving notice thereof, to the

District Court of Laramie County, Wyoming or to the District Court of the county of residence of the appellant. The hearing on such appeal shall be by trial de novo.

(e) For reasons it deems sufficient and upon a vote of a majority of its members, the Board may restore a license which has been revoked, reduce the period of suspension, or withdraw the reprimand.

#### **False Representation; Penalty**

**Section 10.** (a) Any person who six months after the appointment of the initial Board, represents himself to be a licensed psychologist within this state as defined herein without being licensed, is guilty of a misdemeanor, and upon conviction shall be fined not more than One Hundred Dollars (\$100.00) or be confined in jail for not more than six (6) months or both. Each violation shall be considered a separate offense.

(b) Any person who shall knowingly make a false statement in his application for license under this Act, or in response to any inquiry by the Board, shall be fined not more than Fifty Dollars (\$50.00) or imprisoned for not less than ten (10) days nor more than thirty (30) days, or both.

#### **Fees; Disposition of Proceeds**

**Section 11.** (a) Fees shall be determined by the Board and shall initially comply with the following schedule:

(i) Examination fee	\$ 30.00
(ii) Registration without examination	10.00
(iii) Temporary registration	15.00
(iv) Renewal fee	5.00

(b) All sums of money received and collected under the provisions of this Act shall be payable to the State Board of Equalization and deposited thereby in a bank approved by the State Board of Deposits, and after collections have cleared through said bank, the same, excepting bond deposits and the amount of refunds made, shall be transferred to the state treasurer, who shall place the same in a fund to be known as "Psychology Fund" and shall be subject at all times to the warrant of the state auditor, drawn upon written requisition of the chairman, and attested by the secretary of the Board of Psychologist Examiners, with seal attached, for the payment of any expenses incurred by said Board or the members thereof while acting in an official capacity.

(c) Where the balance in the psychology fund is insufficient to meet travel and other expenses of the Board and Board members incurred in performance of their duties, the members shall travel at their own expense.

#### **Not to Practice Medicine**

**Section 12.** Nothing in this Act shall be construed as permitting psychologists certified under this Act to administer or prescribe drugs, or in any manner engage in the practice of medicine as defined by the laws of this State.

Approved February 19, 1965.

**CHAPTER 103**

Original House Bill No. 5

**BRAND RECORDING**

AN ACT to amend and re-enact subsection 5, Section 11-324, Wyoming Statutes 1957, as amended and re-enacted by Section 4, Chapter 46, Session Laws of Wyoming 1961, relating to fees for applications for brand recording and payment thereof; to amend and re-enact subsection (b), Section 11-334, Wyoming Statutes 1957, as amended and re-enacted by Section 6, Chapter 46, Session Laws of Wyoming, 1961, relating to fees for recording written instruments transferring ownership of a recorded brand.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Fees; Recording Conflicts**

**Section 1.** That subsection 5, Section 11-324, Wyoming Statutes 1957, as amended and re-enacted by Section 4, Chapter 46, Session Laws of Wyoming 1961, be amended and re-enacted to read as follows:

(5) Be accompanied by a fee of Ten Dollars (\$10) for the first species of livestock, and Five Dollars (\$5) for the second species of livestock, and Five Dollars (\$5) for each additional species of livestock for which the brand or mark is to be used. Said fee shall be used to pay for the recording of such brand or mark and for a certified copy of such brand or mark which the executive officer of the Wyoming live stock and sanitary board shall provide for the owner, which sum shall be paid into the state treasury for the credit of the brand recording and permit fund. Upon receipt of such application and fee, the executive officer of the Wyoming live stock and sanitary board shall immediately record the same in the state brand record, unless said brand or mark, has already been recorded in the said record on behalf of some other person, company, firm, association or corporation, for the same species of livestock, in which latter case the executive officer of the Wyoming live stock and sanitary board may suggest a brand or mark that can be recorded; provided, that the executive officer of the Wyoming live stock and sanitary board shall not record any brand or mark which in his discretion would conflict with any brand or mark of record in the same locality.

**Transfer of Ownership Recording Fees**

**Section 2.** That subsection (b), Section 11-334, Wyoming Statutes 1957, as amended and re-enacted by Section 6, Chapter 46, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

(b) For recording a bill of sale or other written instrument transferring ownership of a recorded brand or mark and issuing a certificate of such transfer, the sum of Ten Dollars (\$10) shall be charged for each recorded brand which fees shall be deposited in the state treasury to the credit of the brand recording and permit fund;

Approved February 19, 1965.

**CHAPTER 104**

Original House Bill No. 427

**FARM LOAN BOARD — ADMINISTRATIVE EXPENSES**

AN ACT limiting administrative expenses of the Wyoming Farm Loan Board for the regular biennial period commencing July 1, 1965, and ending June 30, 1967; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Authorization to Spend from Surplus Fund**

**Section 1.** The Wyoming Farm Loan Board is authorized to expend from the Wyoming Farm Loan Board Surplus Fund not to exceed Forty-one Thousand Dollars (\$41,000) for administrative expenses and for the payment of salaries in carrying out the provisions of the Wyoming Farm Loan Act for the period commencing July 1, 1965 and ending June 30, 1967.

**Section 2.** This Act shall take effect and be in force from and after July 1, 1965.

Approved February 19, 1965.

**CHAPTER 105**

Original House Bill No. 426

**WORKMEN'S COMPENSATION — ADMINISTRATIVE EXPENSES**

AN ACT limiting administrative expenses of the Workmen's Compensation Department of the State Treasurer's Office for the two years ending June 30, 1967, and providing for a control of such expenditures; and to provide an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Expenditures from Industrial Accident Fund**

**Section 1.** The Workmen's Compensation Department of the State Treasurer's Office is authorized to expend from the Industrial Accident Fund not to exceed Four Hundred Fifty-five Thousand Seventy-five Dollars (\$455,075) for administrative expenses in carrying out the provision of the Workmen's Compensation Act for the two years ending June 30, 1967.

**Compliance with Budget Act**

**Section 2.** The Workmen's Compensation Department shall comply with the provisions of the Budget Act insofar as expenditures for administrative purposes are concerned.

**Section 3.** This Act shall take effect and be in force from and after July 1, 1965.

Approved February 19, 1965.

**CHAPTER 106**

Original House Bill No. 132

**COUNTY FEES**

AN ACT to amend and re-enact Section 18-140, Wyoming Statutes 1957, relative to the fees the County Clerk shall collect for filing and recording; to repeal Section 35-73, Wyoming Statutes 1957, regarding recording fees for marriage certificates filed with the County Clerk; to amend and re-enact Section 31-33, Wyoming Statutes 1957, as amended by Section 1, Chapter 2, Session Laws of Wyoming 1961, relating to application for a certificate of title and the fee to be paid therefor, and to amend and re-enact Section 31-40, Wyoming Statutes 1957, as amended by Section 3, Chapter 185, Session Laws of Wyoming 1963, relating to the issuance of a duplicate certificate of title, and the fee to be paid therefor; and to repeal Section 1, Chapter 59, Session Laws of Wyoming 1961, which provides that the County Clerk may not charge a fee to any department of city, state or county government for filing.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Miscellaneous Fees**

**Section 1.** That Section 18-140, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

The County Clerk shall collect and turn in to the County Treasurer the following fees; For recording any deed or other instrument Two Dollars (\$2.00), and when said instrument contains more than one page, One Dollar (\$1.00) for each additional page, which shall include the cost of indexing and abstracting of instrument with five (5) entries or less; for each additional entry twenty-five cents (\$.25); for more than one grantor or grantee of a different surname an additional twenty-five cents (\$.25); for making a search of the records requiring certificate and seal, One Dollar and fifty cents (\$1.50); for making a copy of a record One Dollar (\$1.00) per page plus fifty cents (\$.50) for certification; for taking an acknowledgment fifty cents (\$.50); for releasing a mortgage or other lien on the margin, One Dollar (\$1.00); for issuing and recording a marriage license Five Dollars (\$5.00) which fee shall include twenty-five cents (\$.25) for every certificate filed and forwarded by him to the State Registrar; for filing each paper required to be filed, but not recorded, One Dollar and twenty-five cents (\$1.25) except filings under the Uniform Commercial Code Act; provided further that there shall be no individual, corporation, department of city, county, state or federal government exempt from payment of fees in advance for such services.

**Motor Vehicle Certificates of Title; Fee**

**Section 2.** That Section 31-33, Wyoming Statutes 1957, as amended by Section 1, Chapter 2, Session Laws of Wyoming 1961, be amended and re-enacted to read as follows:

Application for certificate of title shall be made upon a form approved and furnished by the state board of equalization and shall contain a full description of the motor vehicle, including the name of the maker, the engine and serial numbers or manufacturer's identification number and any distinguishing marks thereon and whether

the vehicle is new or used, together with a statement of the applicant's title, and of any liens or encumbrances upon said vehicle, and the name and address of the person to whom the certificate of title shall be delivered, and such other information as the state board of equalization shall require. The current title or other supporting evidence of ownership shall accompany the application for title and said title or evidence of ownership shall be retained by the county clerk upon issuance of the new title. The fee for issuance of the certificate of title shall be Two Dollars (\$2.00), which fee shall accompany the application. Whenever a new motor vehicle is purchased from a licensed Wyoming dealer, the application for a certificate of title shall be signed by said dealer and shall include a statement of transfer by the dealer and of any lien retained by such dealer together with manufacturer's statement or (statement of) origin. Only a licensed Wyoming dealer shall be eligible to sign the statement of transfer upon the application for a certificate of title upon a new vehicle.

#### **Duplicate Certificate of Title; Fee**

**Section 3.** That Section 31-40, Wyoming Statutes 1957, as amended by Section 3, Chapter 185, Session Laws of Wyoming, 1963, be amended and re-enacted to read as follows:

In the event of the loss of a certificate of title, the loss of which is accounted for to the satisfaction of the state or county officer whose office issued the original certificate, by affidavit of the title owner describing the loss, which affidavit shall be filed with such officer, said officer shall, upon payment of a fee of Two Dollars (\$2.00), issue a duplicate certificate of title which shall bear the same notations as to security interests which are registered on the certificate copy on file in such office, and the following notation which must be prominently displayed in capital letters on the face of the certificate: "THIS IS A DUPLICATE CERTIFICATE OF TITLE AND MAY BE SUBJECT TO THE RIGHTS OF A PERSON OR PERSONS UNDER THE ORIGINAL CERTIFICATE". No duplicate certificate shall be issued before the eleventh (11th) day after affidavit is filed, unless the owner shall deposit with the clerk an indemnity bond to the State of Wyoming in an amount not less than double the valuation of the vehicle shown upon the county treasurer's certificate of registration for the vehicle, executed by a surety company duly authorized to carry on business in Wyoming, or by individual sureties who shall be qualified as provided in Sections 1-4 and 1-5, Wyoming Statutes 1957. Such bonds shall be conditioned for protection and indemnification of all persons who may have any interest in or dealing with such vehicle, against any loss which may occur by reason of the issuance of such duplicate certificate before the eleventh (11th) day after such affidavit is filed.

#### **Section Repealed**

**Section 4.** That Section 35-73, Wyoming Statutes 1957, is hereby repealed.

**Section 5.** That Section 1, Chapter 59, Session Laws of Wyoming 1961, is hereby repealed.

Approved February 19, 1965.

**CHAPTER 107**

Original House Bill No. 325

**SAVINGS AND LOAN — GIFTS TO MINORS**

AN ACT to amend and re-enact subsection (3) of Section 34-129, Wyoming Statutes 1957, to permit federally insured savings and loan associations to receive accounts for minors under the Uniform Gifts to Minors Act.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Form for Making Gift**

Section 1. That subsection (3) of Section 34-129, Wyoming Statutes 1957, be amended and re-enacted as follows:

(3) If the subject of the gift is money, by paying or delivering it to a broker or a bank or a federally insured savings and loan association for credit to an account in the name of the donor, another adult person, a guardian of the minor or a bank with trust powers, followed, in substance, by the words: "as custodian for .....under the Wyoming Uniform Gifts to Minors Act." (name of minor)

Approved February 20, 1965.

**CHAPTER 108**

Original House Bill No. 196

**WYOMING ADMINISTRATIVE PROCEDURE ACT**

AN ACT to be known as the "Wyoming Administrative Procedure Act"; defining terms; providing for adoption and regulation of rules and regulations by agencies of government in Wyoming, and filing copies thereof with the Secretary of State; providing for procedures and appeals to the District Court, and assistance and allocation of expenses of the office of Attorney General and other agencies; and providing for Supreme Court rules governing appeals which may supersede existing statutes, and for appeals to the Supreme Court; repealing inconsistent acts or parts of acts; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Definitions**

Section 1. (a). This Act may be cited as the Wyoming Administrative Procedure Act.

(b) As used in this Act:

(1) "Agency" means any authority, bureau, board, commission, department, division, officer or employee of the state, a county, a municipality or other political subdivision of the state, except the state legislature and the judiciary.

(2) "Contested case" means a proceeding including but not restricted to rate-making, price fixing and licensing, in which legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing.



(3) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law, but it does not include a license required solely for revenue purposes.

(4) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license.

(5) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(6) "Person" means any individual, partnership, corporation, association, municipality, governmental subdivision or public or private organization of any character other than an agency.

(7) "Rule" means each agency statement of general applicability that implements, interprets and prescribes law or policy, or describes the organization, procedures, or practice requirements of any agency. The term includes the amendment or repeal of a prior rule, but does not include: (A) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, or (B) rulings issued pursuant to Section 6 of this Act, or (C) intra-agency memoranda, or (D) agency decisions and findings in contested cases, or (E) rules concerning the use of public roads or facilities which are indicated to the public by means of signs and signals.

#### **Adoption and Publication of Rules, Orders, etc.; Assistance from Attorney General**

**Section 2 (a).** In addition to other rule-making requirements imposed by law, each agency shall:

(1) adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available in connection with contested cases;

(2) make available for public inspection all rules and all other written statements of policy or interpretations formulated, adopted or used by the agency in the discharge of its functions;

(3) make available for public inspection all final orders, decisions, and opinions.

(b) No agency rule, order or decision is valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection as herein required. This provision is not applicable in favor of any person or party who has actual knowledge thereof.

(c) In formulating Rules of Practice as required by this Section, each agency may request the assistance of the Attorney General and upon such request the Attorney General shall assist such agency or agencies in the preparation of Rules of Practice.

#### **Notice of Rule Adoption; Hearing; Objections; Emergency Rules**

**Section 3. (a)** Prior to an agency's adoption, amendment, or

repeal of all rules other than interpretative rules or statements of general policy the agency shall:

(1) give at least 20 days notice of its intended action. The notice shall include a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and of the time when, the place where, and the manner in which, interested persons may present their views thereon. The notices shall be mailed to the Attorney General and to all persons who have made timely requests of the agency for advanced notice of its rule making proceeding.

(2) Afford all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing. In the case of substantive rules, opportunity for oral hearing must be granted if requested by 25 persons, or by a governmental subdivision, or by an association having not less than 25 members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of the rule, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for overruling the consideration urged against its adoption.

(b) If an agency finds that an emergency exists, and such a finding is concurred in by the Governor by written endorsement on the original copy of a proposed regulation, the regulation may be adopted and become effective immediately upon its being filed in the office of the Secretary of State. The regulation so adopted may be effective for a period no longer than 120 days, but the adoption of an identical regulation under subsection (1) of this section is not precluded.

(c) No rule is valid unless adopted in substantial compliance with this Section. A proceeding to contest any rule on the ground of non-compliance with the procedural requirements of this Section must be commenced within 2 years from the effective date of the Rule.

#### **Rules to be Filed with Secretary of State; Register; Existing Rules**

**Section 4.** (a) Each agency shall file forthwith in the office of the Secretary of State a certified copy of each rule adopted by it, including all rules existing on the effective date of the Act. There shall be noted upon such certificate a citation of the authority to which it or any part of it was adopted. The Secretary of State shall keep a permanent register of the Rules open to public inspection.

(b) Each Rule, any amendment or repeal thereof hereafter adopted is effective twenty days after filing in accordance with Subsection (a) of this Section, except (1) if a later date is required by statute or specified in the Rule, the later date is the effective date: (2) where the agency finds that an emergency exists, and such finding is concurred in by the Governor. In case of such an emergency, such a rule, amendment or repeal thereof, may become effective immediately upon being filed with the Secretary of State. Provided, that presently existing Rules are and remain in effect, unless amended and repealed, subject to the provisions of this section.

(c) The Secretary of State shall prescribe rules governing the manner and form in which rules shall be prepared to the end that all rules shall be prepared in a uniform manner. The Secretary of State may refuse to accept for filing any rule that does not conform to such rules.

(d) The Attorney General shall furnish advice and assistance to all State agencies in the preparation of their regulations, and in revising codifying and editing existing or new regulations.

#### **Rule Compilation; Charge for Copies**

**Section 5.** (a) The Secretary of State shall compile, index, and publish the rules adopted by each agency and remaining in effect. The compilation shall be supplemented or revised as often as necessary and at least once every two years.

(b) The Secretary of State is empowered to make a reasonable charge for any Rules published in book, pamphlet, leaflet or booklet form, except to state officers, agencies, members of the legislature and others in the employment of the State of Wyoming and its political subdivisions requiring the same in the performance of their duties.

(c) The Secretary's authenticated file stamp on a Rule or publication of Rule shall raise a rebuttable presumption that the Rule was adopted and filed in compliance with all requirements necessary to make it effective.

#### **Petition to Promulgate, Amend or Repeal Rules**

**Section 6.** Any interested person may petition an agency requesting the promulgation, amendment or repeal of any Rule and may accompany his petition with relevant data, views and arguments. Each agency may prescribe by Rule the form of such petition and the procedure for their submission, consideration and disposition. Upon submission of such a petition, the agency as soon as practicable either shall deny the petition in writing (stating its reasons for the denials) or initiate rule-making proceedings in accordance with Section 3. The action of the agency in denying a petition shall be final and not subject to review.

#### **Contested Cases; Notice; Hearing; Procedure**

**Section 7.** (a) In any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice served personally or by mail. Where the indispensable and necessary parties are composed of a large class, the notice shall be served upon a reasonable number thereof as representatives of the class or by giving notice by publication in the manner specified by the rules or an order of the agency.

(b) The notice shall include a statement of:

- (1) The time, place and nature of the hearing;
- (2) The legal authority and jurisdiction under which the hearing is to be held;
- (3) The particular sections of the statutes and rules involved.

(4) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a more definite and detailed statement shall be furnished.

(c) In all contested cases, depositions and discovery relating thereto, agencies shall have the authority to administer oaths and affirmations, subpoena witnesses and require the production of any books, papers or other documents relevant or material to the inquiry. In case of contumacy or refusal to obey a subpoena issued by the agency in a contested case, deposition or discovery relating thereto, to any person, the District Court for the district in which the hearing or deposition or other proceeding is being conducted shall upon application by the agency issue to the person refusing to obey the subpoena an order requiring such person to appear before the agency or other person designated by it there to produce documentary evidence if so ordered or there to give evidence touching the matter in question; and any failure to obey such order of court may be punished by said court as a contempt thereof.

(d) In all contested cases the agency shall as part of its Rules of Practice provide that the agency or one of its presiding officers designated by it upon application of any party shall issue a subpoena requiring the appearance of witnesses for the purpose of taking evidence or requiring the production of any books, papers or other documents relevant or material to the inquiry.

(e) The agency upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (1) quash or modify the subpoena if it is unreasonable and oppressive or (2) in the event issued pursuant to Section 7 (g) may condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(f) In event a subpoena issued pursuant to this Section is disobeyed and in the event the agency fails to apply pursuant to Section 7 (c) of this Section for enforcement any party may apply to the District Court for the district having venue under Section 7 (c) for an order requiring obedience of said subpoena.

(g) (1) In all contested cases the taking of depositions and discovery shall be available to the parties in accordance with the provisions of Rules 26, 28 through 37 (excepting Rule 37 (b) (1) and 37 (b) (2) (iv) therefrom) of the Wyoming Rules of Civil Procedure in effect on the date of the enactment of this Act. Provided, however, all references therein to the "Court" shall be deemed to refer to the appropriate "agency"; all references to the use of the subpoena power shall be deemed references to Section 7 (c); all references to "trial" shall be deemed references to "hearing", all references to "plaintiff" shall be deemed references to "a party".

(2) If a party or other witness refuses to be sworn or refuses to answer any question after being directed to do so by the agency in which the action is pending, the refusal to obey such agency order shall be enforced in the same manner as is provided in Section 7 (c).

(h) The agency in a contested case shall be subject to the discovery provisions of this Section. Provided, however, neither the agency, nor any member, officer or employee shall be required to disclose information which is confidential or privileged under the law and provided no member of the agency shall be compelled to testify or give a deposition in a contested case. Provided, further, that evidence and discovery sought from the agency shall be by written application for same. In the event the agency refuses to furnish same in whole or in part the aggrieved party may apply to the District Court for the District in which the hearing, deposition or other proceeding is being or is to be conducted for an order directed to the agency compelling discovery. The Court shall enter such order as may be appropriate. The procedure provided for in this paragraph for obtaining discovery from the agency shall be exclusive.

(i) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. Any person compelled to appear in person before any agency or representative thereof shall be accorded the right to be accompanied, represented, and advised by counsel or, if permitted by the agency, by other qualified representative.

(j) Every party shall be accorded the right to appear in person or by or with counsel or other duly qualified representative in any agency proceeding in accordance with such Rules as the agency may prescribe and the pertinent Rules of the Supreme Court of Wyoming. So far as the orderly conduct of public business permits, any interested person may appear before any agency or its responsible officers or employees for the presentation, adjustment, or determination of any issue, request, or controversy in any proceeding (interlocutory, summary, or otherwise) or in connection with any agency function. Every agency shall proceed with reasonable dispatch to conclude any matter presented to it except that due regard shall be had for the convenience and necessity of the parties or their representatives.

(k) No process, requirement of a report, inspection, or other investigative act or demand shall be issued, made, or enforced in any manner or for any purpose except as authorized by law. Every person compelled to submit data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy of a transcript thereof, except that in a non-public investigatory proceeding the witness may for good cause be limited to inspection of the official transcript of his testimony.

(l) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(m) The record in a contested case must include:

(1) all formal or informal notices, pleadings, motions, intermediate rulings;

(2) evidence received or considered including matters officially noticed;

(3) questions and offers of proof, objections, and rulings thereon;

(4) any proposed findings and exceptions thereto;

(5) any opinion, findings, decision or order of the agency and any report by the officer presiding at the hearing.

(n) In all contested cases the proceeding including all testimony shall be reported verbatim stenographically or by any other appropriate means determined by the agency or the officer presiding at the hearing.

(o) Oral proceedings or any part thereof shall be transcribed on request of any party upon payment of the cost thereof.

(p) Findings of fact shall be based exclusively on the evidence and matters officially noticed.

### **Evidence**

**Section 8.** (a) In contested cases irrelevant, immaterial or unduly repetitious evidence shall be excluded and no sanction shall be imposed or order be issued except upon consideration of the whole record or such portion thereof as may be cited by any party and unless supported by the type of evidence commonly relied upon by reasonably prudent men in the conduct of their serious affairs. Agencies shall give effect to the rules of privilege recognized by law. Subject to these requirements and agency rule if the interests of the parties will not be prejudiced substantially testimony may be received in written form subject to the right of cross-examination as provided in paragraph (c) of this section.

(b) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given opportunity to compare the copy with the original.

(c) A party may conduct cross-examinations required for a full and true disclosure of the facts and a party is entitled to confront all opposing witnesses;

(d) Notice may be taken of judicially cognizable facts. In addition notice may be taken of technical or scientific facts within the agency's specialized knowledge or of information, data and material included within the agency's files; the parties shall be notified either before or during the hearing or after the hearing but before the agency decision of material facts noticed, and they shall be afforded an opportunity to contest the facts noticed.

### **Record; Briefs**

**Section 9.** The agency shall consider the whole record or any portion stipulated to by the parties. In the event a recommended decision is rendered all parties shall be afforded a reasonable opportunity to file exceptions thereto which shall be deemed a part of the record. All parties as a matter of right shall be permitted to file a brief with the agency and oral argument shall be allowed in the discretion of the agency.

### **Decision; Findings**

**Section 10.** A final decision or order adverse to a party in a

contested case shall be in writing or dictated into the record. The final decision shall include findings of fact and conclusions of law separately stated. Findings of fact if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by mail of any decision or order. A copy of the decision and order shall be delivered or mailed forthwith to each party or to his attorney of record.

#### **Inquiry Limited**

**Section 11.** Unless required for the disposition of ex parte matters authorized by law, members of the agency, employees presiding at a hearing in a contested case, and employees assisting the foregoing persons in compiling, evaluating and analyzing the record in a contested case or in writing a decision in a contested case shall not directly or indirectly in connection with any issue in the case consult with any person other than an agency member, officer, contract consultant or employee or other state or federal employee, any party other than the agency or with any agency employee, contract consultant or other state or federal employee who was engaged in the investigation, preparation, presentation or prosecution of the case except upon notice and opportunity for all parties to participate. Nothing herein contained shall preclude any agency member from consulting with other members of the agency. No officer, employee, contract consultant, federal employee or agent who has participated in the investigation, preparation, presentation or prosecution of a contested case shall be in that or a factually related case participate or advise in the decision, recommended decision or agency review of the decision, or be consulted in connection therewith except as witness or counsel in public proceedings. Provided, however, that a staff member shall not be disqualified from participating or advising in the decision, recommended decision or agency review because he has participated in the presentation of the case in the event such staff member does not assert or have an adversary position.

#### **Presiding Officers; Auxiliary Personnel**

**Section 12.** (a) If otherwise authorized by law there shall preside at the taking of evidence in all contested cases (1) the statutory agency, or (2) one or more members of the body which comprises such agency, or (3) an employee of the agency or an employee of another agency designated by the agency to act as presiding officer. The functions of all those presiding in contested cases shall be conducted in an impartial manner. Any such officer shall at any time withdraw if he deems himself disqualified, provided there are other qualified presiding officers available to act.

(b) Officers presiding at hearings shall have authority, subject to the published rules of the agency and within its power to (1) administer oaths and affirmations, (2) issue subpoenas (3) rule upon offers of proof and receive relevant evidence, (4) take or cause depositions to be taken in accordance with the provisions of this Act and the rules of the agency, (5) regulate the course of the hearing, (6) hold conferences for the settlement or simplification of the issues, (7) dispose of procedural requests or similar matters, (8) make rec-

ommended decisions when directed to do so by the agency, and (9) take any other action authorized by agency rules consistent with this Act.

(c) In all contested cases to the extent that it is necessary in order to obtain compliance with the provisions of Section 11 hereof the agency (excepting county and municipal agencies and political subdivisions on the county and local level) may request the office of the Attorney General to furnish to the agency such personnel as may be necessary in order for the agency to properly investigate, prepare, present and prosecute the contested case before the agency. The Attorney General upon the receipt of such request shall promptly comply with same with no charge being made against the requesting agency's appropriation other than for travel and per diem expenses.

(d) To the extent an agency utilizes an employee of another agency (other than the staff of the Attorney General) to preside at a hearing or otherwise the salaries of such employees during the period of such employment and the expenses incurred by such employees shall be charged against the appropriation of the using agency.

#### **License Hearings**

**Section 13.** (a) When the grant, denial, suspension, or renewal of a license is required by law to be preceded by notice and an opportunity for hearing the provisions of this Act concerning contested cases apply.

(b) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(c) No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

#### **Proceedings in Court**

**Section 14.** (a) Subject to the requirement that administrative remedies be exhausted and in the absence of any statutory or common law provision precluding or limiting judicial review, any person aggrieved or adversely affected in fact by a final decision of an agency in a contested case or by other agency action or inaction or any person affected in fact by a rule adopted by an agency shall be entitled to judicial review in the District Court for Laramie County or the District Court for the county in which such administrative



action or inaction was taken or in which any real property affected by such administrative action or inaction is located or in the event no real property is involved in the District Court for the county in which the party aggrieved or adversely affected by the administrative action or inaction resides or has its principal place of business. The procedure to be followed in such proceeding before the District Court shall be in accordance with rules heretofore or hereinafter adopted by the Wyoming Supreme Court.

(b) The Supreme Court's authority to adopt Rules governing review from agencies to the district courts shall include but not be limited to authority to determine the content of the record upon review; the pleadings to be filed; the time and manner for filing the pleadings, records and other documents; and the extent to which supplemental testimony and evidence may be taken or considered by the District Court. The Rules adopted by the Supreme Court under this provision may supersede existing statutory provisions.

(c) The Court's review pursuant to the provisions of this Section shall be limited to a determination whether or not: (1) The agency acted without or in excess of its powers; (2) the decision or other agency action was procured by fraud; (3) the decision or other agency action is in conformity with law; (4) the findings of facts in issue in a contested case are supported by substantial evidence; and (5) the decision or other agency action is arbitrary, capricious or characterized by abuse of discretion.

#### **Supreme Court Review**

**Section 15.** An aggrieved party may obtain a review of any final judgment of the District Court under this Act by appeal to the Supreme Court. The appeal shall be taken as in other civil cases.

#### **Severability Clause**

**Section 16.** If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provision or applications of the Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are severable.

#### **Sections Repealed, Preserved**

**Section 17.** All acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed, but this repeal does not affect pending proceedings. Provided, however, to the extent not inconsistent herewith existing procedures provided for by statute shall be deemed preserved and the procedures provided for by this Act shall be in addition and supplementary thereto.

**Section 18.** This Act takes effect January 1, 1966, and (except as to proceedings then pending) applies to all agencies and agency proceedings not expressly exempted.

Approved February 20, 1965

**CHAPTER 109**

Original House Bill No. 165

**DRIVERS' LICENSE FEES**

AN ACT to amend and re-enact subsection (a) of Section 31-268, Wyoming Statutes 1957, relating to increase of drivers' license fee; to amend and re-enact subsection (b) of Section 31-268, Wyoming Statutes 1957, relating to increase of chauffeur's license fee; and to amend and re-enact Section 31-270, Wyoming Statutes 1957, relating to the description and contents of Wyoming Drivers' Licenses and Chauffeurs' Licenses; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Fees Increased**

**Section 1.** That subsection (a) of Section 31-268, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(a) Every applicant for a driver's license shall pay for such driver's license a fee of Two Dollars and fifty cents (\$2.50) which shall be the cost of such driver's license, and every driver's license hereafter issued shall expire on the birth anniversary of the licensee occurring within the third year (3rd) after the year in which such license is issued, unless revoked, cancelled or suspended under the provisions of any law of this state. Every such license shall be renewable within ninety (90) days prior to its expiration upon application and payment of the required fee.

**Chauffeur's License; Fees Increased**

**Section 2.** That subsection (b) of Section 31-268, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(b) Every applicant for a chauffeur's license shall pay for such chauffeur's license a license fee of Two Dollars and fifty cents (\$2.50), which license shall expire one (1) year from the date of its issue, unless revoked, cancelled or suspended under the provisions of any law of this state. Every such license shall be renewable sixty (60) days prior to its expiration upon application and payment of the required fee.

**Photograph, Other Information on License**

**Section 3.** That Section 31-270, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Every license issued shall bear thereon the color photograph of the applicant, the distinguishing number assigned to the applicant and shall contain the name, birthdate and residence of the applicant and a brief description of such person for the purpose of identification, and shall also provide a space for the signature of the applicant; and thereafter there shall be endorsed thereon a record of each suspension or cancellation or revocation authorized by this Act. Every person licensed shall write his usual signature with pen and ink in the space provided for that purpose on the license issued to him immediately upon receipt of such license, and such license shall not be valid until it is so signed, except in the case of a person who cannot

write his or her name, and in such case such person may make his or her mark in the presence of one attesting witness.

**Section 4.** This Act shall be in force and effect from and after January 1, 1966.

Approved February 20, 1965

## CHAPTER 110

Original House Bill No. 340

### PERMIT FOR TOWING VEHICLES

AN ACT to amend and re-enact Section 37-163, Wyoming Statutes 1957, relating to towing vehicles and the permit and fee required in connection therewith; and to provide an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Permit Required; Single Trip; Fee**

**Section 1.** That Section 37-163, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

It shall be unlawful for any operator of a towing motor vehicle to use any highway in this state without having first obtained a permit therefor from the commission or without having renewed said permit annually. An operator of a towing motor vehicle may be permitted to make a single trip in or through the state upon obtaining of a permit therefor from the State Board of Equalization, and said permit shall expire upon the vehicle's leaving the state and shall not exceed a period of ninety-six (96) hours from time of issuance. Such operator shall, at the time application is made, pay to the State Board of Equalization a compensatory fee for the use of the public highway of Two Dollars and fifty cents (\$2.50) for each and every vehicle including power unit using gasoline for fuel. This fee shall be credited to the State Highway Fund. An operator of a towing motor vehicle, using other than gasoline for fuel in the power unit shall pay to the State Board of Equalization a compensatory fee of Five Dollars (\$5.00) for the power unit. This fee is likewise to be credited to the State Highway Fund.

**Section 2.** That this Act shall take effect from and after July 1, 1965.

Approved February 20, 1965

## CHAPTER 111

Original House Bill No. 429

### REVENUE DEPARTMENT - OPERATING FUND

AN ACT authorizing the Revenue Department to expend funds which have accrued to it by virtue of income for general operating expense and capital outlay

in addition to its authorized general fund appropriation; and limiting expenditures for administrative purposes from the motor carrier administrative fund; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Expenditures Authorized from Income; General Operating Expenses; Capital Outlay**

**Section 1.** The Revenue Department is hereby authorized to expend from its income, the amount of Two Million Two Hundred Twenty-two Thousand Eight Hundred Nineteen Dollars (\$2,222,819) for its general operating purposes and Three Hundred Thousand Dollars (\$300,000) for capital outlay during the biennium ending June 30, 1967.

**Amounts in Addition to General Fund Appropriation**

**Section 2.** The Department of Revenue of the State Board of Equalization is hereby authorized to expend such sums or so much thereof as shall be necessary for administrative expenses and capital outlay until June 30, 1967, in addition to the amount authorized in the General Fund Appropriation of the Department of Revenue of the State Board of Equalization.

**Public Service Commission Expenditures from Income**

**Section 3.** The Public Service Commission is authorized to expend from the motor carrier administrative fund not to exceed the sum of Two Hundred Seventy-seven Thousand Five Hundred Fifty-five Dollars (\$277,555) for administrative expenses in carrying out the provisions of the Motor Carrier Act during the two year period ending June 30, 1967.

**Section 4.** This Act shall take effect and be in force on and after July 1, 1965.

Approved February 20, 1965

**CHAPTER 112**

Original House Bill No. 9

**CITIES AND TOWNS**

AN ACT to provide for the organization, operation, and government of the cities and towns of the State of Wyoming; and to repeal all of Title 15, Wyoming Statutes, 1957, and all amendments thereto and to repeal Chapters 15, 62, and 80, Session Laws of Wyoming, 1959; Chapters 68, 79, 81, 107, 120, 130, and 163, Session Laws of Wyoming, 1961; Chapter 100, Session Laws of Wyoming, 1961, as amended by Chapter 2, Session Laws of Wyoming, Special Session 1964; and Chapters 56, 92, 107, 122, 155, and 190, Session Laws of Wyoming, 1963; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

## CHAPTER 1.

## GENERAL PROVISIONS.

## ARTICLE 1. Definitions, general powers, miscellaneous provisions.

**Definitions**

**Section 1.** Unless the context requires otherwise, the following terms when used have the meanings assigned to them:

(a) "Any city or town" means any incorporated municipality irrespective of the size, population, or class.

(b) "First class city" means any incorporated municipality having a population of 4,000 or more which has been declared a first class city or which has taken the necessary steps to be and has been proclaimed a first class city.

(c) "Town" means any incorporated municipality, not a first class city.

(d) "Governing body" means the council or commission constituting the elected legislative body of any city or town.

(e) "Local improvement" means any improvement made within any city or town, the cost of which may be assessed against the property specially benefited thereby.

(f) "Public improvement" means an improvement made within any city or town for which general bonded obligation may be incurred.

(g) "Mayor" means the person elected, either by popular vote or by vote of the governing body, to exercise the powers of the office and to be presiding officer of the governing body.

(h) "Ordinance" means a legislative enactment of general effect validly adopted by the governing body of any city or town.

(i) "Emergency ordinance" means an ordinance operating for the immediate preservation of the public peace, health, safety, or welfare, in which the emergency is defined.

(j) "Franchise" means the grant of authority to any person or firm by the governing body of any city or town to carry on the operation of a public utility.

(k) "Qualified elector" means any person possessing the requisite qualifications to vote in any election conducted within a city or town for the selection of mayors or councilmen.

(l) "Councilman or councilmen" means the individuals elected to comprise the governing body of any city or town.

(m) "Person" means any individual, firm, partnership, corporation, or other business entity, or the executor, administrator, trustee, receiver, assignee or personal representative thereof.

**Prior Incorporations Legalized**

**Section 2.** All incorporations and proceedings for the purpose of incorporating cities and towns and all elections held in cities and

towns, whether pursuant to the laws of the Territory of Wyoming, or the State of Wyoming, are hereby legalized and made valid, notwithstanding any irregularity or irregularities that may have occurred.

### **General Powers**

**Section 3.** (a) All cities and towns have the following powers which may be exercised by their governing bodies:

- (1) To sue and be sued.
- (2) To have and use a common seal, and attest the same at pleasure.
- (3) To purchase and hold real and personal property for the use of the city, including real estate sold for taxes.
- (4) To sell, convey and lease any real or personal estate owned by the city, and to make any orders respecting it deemed to be in the best interest of the city.
- (5) To make all contracts and do all other acts in relation to the property and concerns of the city necessary to the exercise of its corporate powers.
- (6) To receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for public, charitable or other purposes; and to do all things necessary to carry out their intended purpose.
- (7) (i) To control the finances of the corporation, to prepare, maintain and keep records and accounts as required, and to make reports to the state examiner's office as required under the Budget Act, and when deemed necessary by the governing body, to employ and pay for the preparation of independent audits of the financial condition of the city or town.  
(ii) In the conduct of any independent audit the city or town shall employ a certified public account or a public accountant who has been in the practice of public accounting for a period of five (5) years as a principal.
- (8) To appropriate money and pay all necessary expenses, including supplies, salaries of employees, and debts. To levy and collect special assessments against persons or property to the extent allowed by the constitution and the law. Appropriations shall be made only by ordinance.
- (9) To borrow money on the credit of the corporation for corporate purposes as allowed by the constitution and the laws and issue warrants and bonds therefor in such amounts and forms and on such conditions as they shall determine.
- (10) To lay off, open, widen, straighten, narrow, vacate, extend, construct or otherwise improve, repair, grade, pave and care for any street, avenue, alley or land, bridges, parks, public grounds, cemeteries and sidewalks; to direct and regulate the planting of ornamental and shade trees in and to regulate the use of such streets, avenues, public grounds, parks, and cemeteries; to provide for the

lighting and cleansing of streets and avenues; to regulate use of sidewalks along the streets and alleys, and all structures under such streets, alleys, and sidewalks, and to require the owner or occupant of any adjacent premises to keep the sidewalks free from snow, encroachments or other obstructions.

(11) To sell, convey and transfer any property acquired or held for park purposes when the city or town has held title to the property for more than ten (10) years and no substantial use has been made thereof for park purposes. The governing body of the city or town shall first make a finding by ordinance to that effect. The sale shall be made to the highest bidder for cash after notice of sale has been published in a newspaper of general circulation in the county at least once each week for a period of three weeks. If objection to the sale of the property is made in the form of a petition signed by at least two-thirds of the property owners surrounding and contiguous to the property, then it shall not be sold except upon an affirmative vote by a majority of the electors of the city or town at any general election.

(12) To license, tax and regulate any business whatsoever conducted, carried on or trafficked in within the limits of such city or town for the purpose of raising revenue. All license taxes shall be uniform in respect to the class of business upon which imposed.

(13) To regulate, restrain and prohibit the running at large within the city limits of all livestock, poultry and animals of all kinds; impose a license fee for the keeping or harboring of dogs, establish a pound, appoint and compensate a poundkeeper and prescribe his duties; impound livestock, poultry and animals running at large, and provide for their sale or destruction.

(14) To regulate, license, tax or prohibit saloons, pool halls, billiard tables, pool tables, and other tables kept for hire; bowling alleys and shooting galleries or places; to suppress, restrain or prohibit all gambling games or devices; to authorize the destruction of all instruments or devices used for the purpose of gaming or gambling.

(15) To suppress, restrain and prohibit houses of prostitution and other disorderly houses, and punish the keeper thereof, and persons resorting thereto; to restrain and punish vagrants, mendicants and prostitutes; to suppress, restrain and prohibit other disorderly and vicious practices or conduct.

(16) To regulate, prevent or suppress riots, routs, affrays, noises, disturbances, disorderly assemblies or parades in any public or private place, intoxication, fighting, using obscene or profane language.

(17) To declare and abate nuisances, and impose fines upon parties who create, continue or suffer nuisances to exist.

(18) To governing body or any committee thereof, has power to compel the attendance of witnesses for the investigation of matters before it. The presiding officer may administer the requisite oaths.

(19) To purchase, lease, or rent land within or without the make reasonable rules and requirements for hauling refuse.

(20) (i) To establish and regulate parks, zoological gardens and recreation areas within the city limits and upon land owned, leased or controlled outside of the city limits. The police court of the city or town has jurisdiction to punish any violator of the ordinances of the city or town governing those areas.

(ii) The state game and fish commission is authorized to furnish to any city or town any game or animals requested, provided the city or town pays the necessary expenses.

(21) To provide for the organization, support and equipping of a fire department; prescribe rules, regulations and penalties for governing the department; to establish regulations for the prevention of and extinguishing of fires; to make cooperative agreements with the governing bodies of cities, towns, fire districts, and counties of Wyoming in close proximity to the city or town for the extinguishment of fires in areas outside the corporate limits. Cities and towns are not liable for damages to persons or property resulting from the operation or presence of fire fighting equipment outside the corporate limits pursuant to such agreement.

(22) To prevent the dangerous construction and condition of chimneys, fireplaces, stoves, stovepipes, heaters, ovens, furnaces, boilers, and apparatus used in and about dwellings, factories, and other buildings, and cause the same to be removed or replaced in a safe condition; to regulate and prevent the carrying on of manufacturing likely to cause fires; and to prevent the deposit of ashes in unsafe places.

(23) To prescribe the thickness, strength and manner of constructing stone, brick, wood and other buildings, and the construction of fire escapes therein and provide for their inspection.

(24) To provide for the repair, removal or destruction of any dangerous building or enclosure.

(25) To define fire limits and prescribe limits within which no building may be constructed except of brick, stone, or other incombustible material, without permission; to cause the destruction or removal of any building constructed or repaired in violation of any ordinance.

(26) To regulate, restrain or prevent the storage, use and transportation of gunpowder, high explosives, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, gasoline, nitroglycerine, petroleum or any product thereof, fireworks and other combustible or explosive material within the corporate limits, or within a given distance thereof.

(27) To appoint a board of health and prescribe its powers and duties; to establish quarantine ordinances; to own and regulate convalescent homes, rest homes, and hospitals.

(28) To lay off the city into suitable districts for establishing a system of drainage, sanitary sewers and water mains; to provide and regulate the construction, repair and use of sewers and drains,



and provide penalties for violations of regulations; to assess against the property concerned any penalty or costs and expenses in compliance with regulations.

(29) To establish, alter and change the channels of streams and water courses within the city, and wall, bridge and cover them; to establish, make and regulate public wells, cisterns, aquaducts, reservoirs and drinking places, and provide for filling the same.

(30) To establish and maintain public libraries and reading rooms; also in connection with such libraries or separately, public museums and to house such museums temporarily or permanently in buildings of the United States or school districts or other subdivisions of the State of Wyoming as may be permitted by them, and to build its own buildings therefor; to purchase books and other appropriate material; to purchase and receive as gifts or on loan any books, pictures, articles or artifacts relating to the history, resources and development of the United States and its parts and lands, and buildings to house same; to place such museum temporarily in charge of donors, to receive donations and bequests for the same, in trust or otherwise, and to make contracts and regulations for the care, protection and government of the same.

(31) (i) To grant franchises for such terms as the governing body deems proper, to electric light, telegraph, telephone, gas, water, television, radio, power, transportation, and steam companies, and other utility companies; to grant the privilege to install and maintain necessary installations provided by such companies under or over any streets, alleys, or avenues; to contract, for not exceeding ten (10) years, with any such electric light or gas companies for the necessary energy and service for the lighting of streets, public buildings or other requirements of the city or town.

(ii) No franchise may be entered into with any individual, individuals, company or corporation whereby exclusive right shall be given to any individual, individuals, company or corporation for any purpose whatsoever.

(32) To regulate the police of the city or town, and pass and enforce all ordinances relating to police departments. To establish a police department and prescribe the duties and powers of a superintendent or chief of police, policemen, policewoman, metermaids, marshal and watchman.

(33) To exercise the power of eminent domain, and take property for public use within and without the city limits for the purpose of erecting or establishing public buildings, streets, alleys, cemeteries, or for any other necessary or authorized public purpose. In all cases the person whose property is taken or injured shall be adequately compensated as determined in district court proceedings in the manner provided for condemnation by railway companies.

(34) To require all buildings to be numbered by the owners, lessees, occupants or agents. In case of failure to comply with such requirements, to cause the numbering to be done, and assess the costs against the property or premises numbered.

(35) To levy and collect taxes and assessments for general revenue and other purposes, including the care and maintenance of public parks and grounds, not to exceed the amount limited by the constitution and laws of the State of Wyoming on all real, personal and mixed property taxable under the laws of the state. The assessment, levy, collection of all taxes and provisions for enforcement shall be as provided by ordinance. The cities and towns have power to compel the payment of taxes by distress and sale of the personal property of the person assessed, except such as is exempt from taxation. The tax list shall be a sufficient warrant for distress, and every tax levied and due upon personal property is hereby made a lien upon the real property of the owners thereof, and every tax levied and due upon real property is hereby made a lien upon the property from and after the date of the levy of such tax. The city collector of taxes is empowered to sell land encumbered by a lien for taxes, and convey it to the purchaser as provided by ordinance. The city or town may by ordinance provide for a penalty of ten per cent (10%) on all delinquent taxes, together with lawful interest.

(36) (i) To appoint, in addition to the appointed officers and employees provided by law, such others as are necessary for the efficient operation of the city or town, and to control, regulate, pay and prescribe duties and rules of all appointees. The governing body may determine working conditions, prescribe and determine pay scales and provide supplementary benefits, as long as those provisions are not in conflict with existing statutes. During an emergency or special conditions warranting, additional temporary appointments may be made.

(ii) When any person is removed from office for incompetency, neglect of duty or otherwise for cause, he is entitled to a specification of the charges and an opportunity for a hearing on the charges. The cause of removal shall be made a matter of record by the governing body.

(37) To cause compilations to be made of all ordinances in force, and may provide for their distribution, sale and exchange.

(38) Cities and towns owning or possessing lands outside the corporate limits which contain caves, caverns, or other natural formations, have powers to lease such lands and natural formations to private individuals, corporations, or other associations for the development and use of the natural formations on terms and conditions approved by the governing body.

(39) Cities and towns with written permission of the landowner or governmental agency involved, may reclaim for beneficial use substandard lands by filling excavations and other depressions with refuse from such cities and towns. The deposit of refuse and the reclamation of the lands shall be done in a manner having the prior approval of the landowner, adjoining landowners, the county health department or departments if the land is located in more than one county, and the state health department.

(40) In addition to all other powers, the governing body may make any provisions or regulations not in conflict and deemed neces-

sary for the health, safety or welfare of the city, or necessary to carry out effectively the provisions of this act.

(41) To adopt ordinances, resolutions, and regulations necessary to give effect to the powers conferred by this act and enforce all ordinances with fines or imprisonment.

(42) To plan, design, prepare for, acquire any needed or useful real or personal property for, construct, maintain, repair or replace any lawful improvement, development, project, or other activity of any kind whatsoever, or to participate, join or cooperate with other governments or political subdivisions, departments, or agencies thereof, for which funds may be borrowed from the United States of America or the State of Wyoming, or any subdivision, department, or agency or either. To plan, design, prepare for, acquire any needed or useful real or personal property for, construct, maintain, repair or replace any lawful improvement, development, project, or other activity of any kind whatsoever, and to participate, join and cooperate with other governments or political subdivisions, departments or agencies thereof, for which funds may be granted or made available in whole or in part, whether or not on a matching basis, by the United States of America or the State of Wyoming, or any subdivision, department, or agency of either.

#### **Authorization to Carry Liability Insurance**

**Section 4.** (a) Any city or town may carry liability insurance in an amount deemed necessary by the governing body. The insurance shall be on standard policy forms approved by the state insurance commissioner, with companies authorized to do business in Wyoming, and shall be paid out of the general fund of the city or town.

(b) Any person damaged by the claimed negligent acts of a city or town, its officers, servants, employees or agents so insured may maintain an action for damages against the city or town. The amount of damages recovered shall not exceed the limits of the policy or policies of insurance. No city or town may plead its governmental immunity as a defense in any action involving its liability insurance.

(c) Venue of all actions arising under this section shall be in the county where the cause of action arose, and summons shall be served upon the city or town as provided in the Wyoming rules of civil procedure.

(d) This section applies only to the negligent acts of the cities or towns, their officers, servants, employees or agents in the performance of governmental functions.

#### **Meetings of Governing Body**

**Section 5.** Regular public meetings of the governing body shall be held at least once each month at such intervals and times as provided by ordinance. Special meetings may be called as provided by ordinance. A majority of all the elected members constitutes a quorum for the transaction of business, but any number may adjourn, from time to time, and compel the attendance of, and punish absent members. When the nature of the business so requires, the governing body may, by a vote to two-thirds ( $\frac{2}{3}$ ) of the members present, go into executive session and exclude the public therefrom.

**Conduct of Proceedings**

**Section 6.** The governing body shall determine the rules for the conduct of its proceedings, and shall keep a journal of its proceedings which shall be a public record. The manner in which each member of the governing body votes upon any proposition or upon the passage of any by-law, resolution, or ordinance shall be entered in the journal.

**Vacancies in Offices to be Filled by Appointment**

**Section 7.** (a) A vacancy exists in the office of mayor or councilman in the event of death, resignation, removal from office, removal from city (or town) or ward, conviction of a felony or any other reason fixed by law. When a vacancy occurs, the governing body shall appoint an eligible person to the office who shall serve until his successor is elected at the next general municipal election and qualified, except that a vacancy in the office of mayor shall be filled only from the governing body.

(b) Vacancies in appointive offices shall be filled in the manner provided for initial appointments.

**Duties of Mayor**

**Section 8.** Unless otherwise provided, the mayor shall preside at all meetings of the governing body, and in his absence a councilman shall be appointed to act as mayor pro tem; have superintending control of all officers and affairs of the city or town; take care that the ordinances and laws are complied with, administer oaths, sign commissions and appointments, and sign all bonds, contracts and other obligations required to be signed in the name of the city or town; and have one vote on all propositions coming before the governing body. He may require any male inhabitant of the city or town between the ages of eighteen (18) and fifty (50) to aid in enforcing the law.

**Clerk May Administer Oaths**

**Section 9.** The clerk of any city or town may administer oaths to persons verifying claims against the city or town, and administer oaths to persons acting as judges or clerks of elections held for electing officers of the city or town. The clerk in adding his jurat to any oath administered by him shall attach the official seal of the city or town to the jurat.

**Publication of Minutes of Council Meetings**

**Section 10.** The governing body of each city and town shall designate a legal newspaper and publish the minutes of all its regular and special meetings and the titles of all ordinances passed. If no newspaper is published in the city or town the proceedings or ordinances need not be published. The clerk of each city or town shall, within forty-eight (48) hours after the adjournment of every meeting, furnish the newspaper a copy of the proceedings of the meeting. The copy shall include every bill presented to the governing body showing the amount of the bill, the amount allowed, what the bill was for, and by whom claimed. The legal rate for publication is fifteen cents (15c) per line of brier type, single column width. Publication shall be made once.

### **Advertisement of Resources**

**Section 11.** The governing body of any city or town may appropriate not more than ten thousand dollars (\$10,000) in any one year from the city or town treasury, payable from the general fund, for the purpose of advertising the resources of the city or town, for furthering its industrial development, for encouraging exhibits at fairs, expositions and conventions. No appropriation may be for the express aid of any private citizen, firm or corporation.

### **Sale of Municipal Property Generally**

**Section 12.** Before the sale of any real or personal property of any city or town of the value of five hundred dollars (\$500) or more an advertisement of the intended sale, describing the property and the terms of the sale, shall be published at least once each week for four consecutive weeks in a newspaper having general circulation in the community, calling for sealed bids for purchase of the property. Upon the opening of the bids, the property shall be sold to the highest responsible bidder, unless the governing body of the city or town shall reject all bids. The responsibility of the bidders shall be determined by the governing body of the city or town. Notwithstanding the provisions of this Section, a municipal corporation may sell any real or personal property to the State of Wyoming for the use of any agency or instrumentality thereof, or to any agency or instrumentality of the State of Wyoming authorized to hold property in its own name, or to any political subdivision of the state, upon such terms as may be determined by the governing body of such municipal corporation without advertising such sale or calling for bids.

### **Contracts for Public Improvements Generally**

**Section 13.** All contracts for any public improvement, contracts relating to the municipal water supply, contracts for the lighting of streets, public buildings and public places, and any other public work or improvement for any city or town when the cost exceeds one thousand dollars (\$1,000), shall be let to the lowest responsible bidder after notice by advertisement containing complete specifications of number, size, kind and quality of material and service required, on two different occasions, at least seven days apart, in a newspaper having general circulation in the city or town. The contract shall be let to the lowest responsible bidder. Bids submitted shall be under seal. The published notice shall recite the place, date and time when the bids will be received and publicly opened. Every contract shall be executed by the mayor, or in his absence or disability, by the president or other presiding officer of the governing body and by the clerk. The successful bidder shall give the city or town a bond in a penal sum equal to the amount of his bid, with two sureties for the faithful performance of his contract. The sureties shall be residents of the State of Wyoming, who own property in the state amounting in the aggregate to double the amount of the bond upon which they become sureties. Any surety or guaranty company, duly qualified to act as surety or guarantor in this state upon executing individual bonds, shall be accepted in lieu of such sureties.

**Municipal Legislation to be by Ordinance**

**Section 14.** All municipal legislation shall be by ordinance, unless provided otherwise by law, except that licenses may be granted by resolution.

**Form; Adoption; Vote Required**

**Section 15. (a)** All ordinances shall be in writing and passed pursuant to rules and regulations adopted by the governing body. No ordinance, except one making appropriations, may contain more than one subject which shall be expressed clearly in the title. Ordinances making appropriations shall be limited to that subject. The style of all ordinances shall be: "Be it ordained by the governing body of the city (town) of ....."

**(b)** Every ordinance, except emergency ordinances, shall have public readings on three different days, unless three-fourths ( $\frac{3}{4}$ ) of the governing body votes to suspend the rule. At least ten days shall elapse between the introduction and final passage of every ordinance, except emergency ordinances. No franchise may be granted by emergency ordinance.

**(c)** A majority vote of the council members present shall be required for the passage of any ordinance, except one appropriating money which shall require a majority vote of all the members elected. The mayor shall cast the deciding vote in case of a tie.

**Effective Date; Recordation; Publication**

**Section 16. (a)** Every ordinance before becoming effective shall be published at least once in a newspaper of general circulation within the city or town. If there is no such newspaper, then the ordinance shall be posted for at least ten days in the city clerk's office and such other places as the governing body may determine. Emergency ordinances shall become effective upon proclamation of the mayor, and as soon thereafter as is practicable they shall be published and posted in the manner required of other ordinances.

**(b)** Every ordinance shall, within a reasonable time after passage, be signed by the mayor and attested by the clerk and recorded in a book kept for that purpose. The attestation of the clerk shall show that the ordinance was duly published and posted.

**Amendments and Repeals**

**Section 17.** Amendments and repeals of ordinances, or sections thereof, shall be by ordinance. An amending ordinance shall set forth the entire ordinance or section as amended. No vote of the governing body may be reconsidered or rescinded at any meeting unless there are as many members present as there were when the vote was originally taken.

**Effect of Change of Class or Form of Government**

**Section 18.** When any city or town acquires a new classification or changes its form of government all ordinances shall continue in

force until amended, or repealed, except so far as may be inconsistent with the provisions of the law governing its new class or form of government.

#### **Proof of Ordinances**

**Section 19.** All ordinances may be approved by the certificate of the clerk, under the seal of the city or town, and when printed or published in book or pamphlet form, and purporting to be published by authority of the city or town, shall be read and received in all courts and places without further proof.

#### **Adoption of Uniform Codes by Reference**

**Section 20.** (a) Any city or town, may adopt by reference all part of Title 31, sections 31-77 to 31-86, 31-88 to 31-95, 31-97 to 31-128, 31-130 to 31-143, 31-146 to 31-214, 31-218 to 31-232 and 31-234 to 31-247, Wyoming Statutes, 1957, and amendments thereto, being the Uniform Act Regulating Traffic of Highways, and any national fire prevention, building, plumbing and electrical codes.

(b) When such acts or codes are adopted by reference, the ordinance shall state whether all or what parts or sections are adopted, describing them by reference to sections.

(c) It is not necessary for the city or town to publish the act or code adopted by reference, but the ordinance shall state that a copy of the act or code is on file in the office of the clerk of the city or town. The clerk shall keep on file in his office a copy thereof for examination.

(d) When any act or code or part thereof is adopted by reference, it constitutes an adoption of such act or code as then enacted. Any subsequent additions or amendments to the code adopted by reference shall not become effective until adopted by ordinance.

### **ARTICLE 2. Incorporation.**

#### **Territories Which May Incorporate**

**Section 21.** Any territory not included in any incorporated city or town, having a resident population of not less than one hundred and fifty (150) persons, and which contains within its boundaries an area of not more than three (3) square miles, may be incorporated as a town in the manner provided.

#### **Survey and Map**

**Section 22.** Any person intending to make application for the incorporation of a town shall cause an accurate survey and map to be made of the territory intended to be embraced within its limits. The survey and map shall be made by a land surveyor registered under the laws of the State of Wyoming, and shall show the courses and distances of the boundaries of the territory, the quantity of land embraced and be accompanied by the affidavit of the surveyor.

#### **Census**

**Section 23.** The person shall cause an accurate census to be taken of the resident population of the territory not more than forty

days prior to the time of presenting the application to the board of the county commissioners. The census shall show the name of every head of a family residing within the territory on the day the census was taken, the number of persons then belonging to every family and be accompanied by the affidavit of the census taker.

#### **Notice of Application for Incorporation**

**Section 24.** The survey, map and census, when completed and verified, shall be left at some convenient place within the territory for not less than twenty (20) days for examination by those having an interest in the application. A copy of the survey, map and census shall be filed in the office of the county clerk of the county in which the territory is situated. Notice shall be posted in three public places in the territory which set forth the boundaries of the territory, the time of making application and the place where the survey, map and census may be examined.

#### **Incorporation; Petition for**

**Section 25.** The application for incorporation shall be by petition subscribed by the applicant, and not less than a majority of the electors residing within the territory proposed to be incorporated. The petition shall set forth the boundaries and quantity of land according to the survey, the resident population according to the census, and the name proposed for the city or town. The petition shall have attached thereto the affidavits of not less than three of the electors verifying the facts alleged, and shall be presented to the board of county commissioners of the county in which the territory is located at the time stated in the notice of application, or as soon as possible thereafter. The petition shall be accompanied by a copy of the notice required to be posted, and by an affidavit showing that the requirements of posting have been complied with.

#### **Notice of Election; Ballots**

**Section 26.** The board of the county commissioners shall hear all parties interested in the application who appear and ask to be heard. If the board, after hearing, is satisfied that all the requirements of this article have been complied with, and that the territory contains the required population, it shall make an order appointing three inspectors. The inspectors shall at once call an election of all qualified electors residing within the territory to be held at some convenient place within its limits. The notice of the election shall be published at least once a week for three consecutive weeks in some newspaper published within the territory, and by posting notices in five places within the territory. If there is no newspaper published within the territory, then notice shall be given by posting in eight public places therein. The posting and the first publication shall be not less than three weeks prior to the election. The notice shall specify the place and time of the election and shall contain a description of the limits of the proposed city or town. The inspectors shall act as judges and clerks of the election, and shall qualify as required by law for judges and clerks at city and town elections. They shall report the result of the ballot to the board of county commissioners



by filing it with the county clerk. The ballots used at the election shall state "for incorporation" or "against incorporation."

#### **Election Results; Incorporation Completed**

**Section 27.** If a majority of the ballots cast at the election are in favor of incorporation, the county clerk shall, immediately after the report has been filed in his office, publish the result in an newspaper. If no newspaper is published in the county, the clerk shall post the result in five public places within the limits of the proposed city or town. A copy of the notice with proof of its publication or posting, shall be filed in the office of the county clerk with the other documents relating to the incorporation. When all requirements have been complied with and officers have been elected and qualified for the city or town, the incorporation is complete.

#### **Incorporation Within Two or More Counties**

**Section 28.** Whenever the territory to be incorporated lies within two or more counties, the residents thereof may incorporate in the following manner:

(a) By following the procedure outlined except, that applications, notices, petitions, records and certificates, shall be made to or by all counties within whose boundaries the territory to be incorporated lies.

(b) Whenever the territory to be incorporated lies within two or more counties, then the board of county commissioners of each county shall appoint one or more of the election inspectors, or the boards of county commissioners meeting together as a single body shall appoint the election inspectors.

#### **First Election After Incorporation**

**Section 29.** When the incorporation is completed, the inspectors shall publish notice at least once each week for two consecutive weeks in a newspaper published within the city or town of the time and place of holding the first election of officers, or if no newspaper is published within the city or town, by posting the notice in five public places within the corporate limits. The inspectors shall act as judges and clerks of the election, which shall be conducted and the officer elected shall be qualified in the manner prescribed by law for the election and qualification of city and town officers. In the receiving and canvassing of votes, the inspectors shall be governed by the laws applicable to the election of city and town officers.

#### **Same—Voter Qualification**

**Section 30.** Every elector of the county residing in the city or town is entitled to vote at the first election. At all subsequent elections, every elector of the county, possessing the qualification prescribed by the general municipal election laws is a qualified voter.

#### **Same—Votes; Canvass of; Certificate**

**Section 31.** Immediately upon the closing of the poll, the inspectors shall canvass the votes, declare the result, and subscribe a certi-

ificate of the canvass showing the whole number of votes given, the number given each candidate, and the office for which he was a candidate. The certificate shall be filed with the clerk of the city or town as soon as he has qualified.

#### **Same—Persons Elected**

**Section 32.** The persons eligible who received the highest number of votes shall be deemed elected, and each person elected shall be at once notified in writing of his election by the inspectors.

#### **Same—Election Results; Certification of**

**Section 33.** The inspectors shall also make a certified statement over their own signatures of the persons elected to offices at the first election, and file it in the office of the county clerk of the proper county, within fifteen (15) days after the election. No act or ordinance of any governing body chosen at the first election is valid until the provisions of this section have been substantially complied with.

#### **Same—Certified Statement of Results; Record of**

**Section 34.** The county clerk shall record the certified statement, for which service he shall be paid the same fee as allowed for similar services in other cases.

### **ARTICLE 3. Townsites and public lands.**

#### **Conveyances; by Whom**

**Section 35.** When the governing body of any city or town, or a judge of the district court for any county in which the city or town is located enters at the proper land office the land or any part of the land, settled and occupied as a city or town, pursuant to the act of congress of the United States entitled, "An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands," approved March 2nd, 1867, the governing body or judge shall convey the title to the persons specified.

#### **Conveyances; To Whom**

**Section 36.** Any governing body or judge holding the title to any such land in trust under the act of congress shall convey the title to the person entitled to possession according to his respective rights or interest as they exist in law or equity at the time of the issuance of the patent for such lands, or to his, her or their heirs or assigns. When any parcel of land is occupied or possessed by anyone claiming it by grant, lease or sale from one or more persons claiming same by grant, lease or sale from other persons, the respective right and interest of the claimants in relation to each other shall not be changed by the conveyance. Every conveyance made pursuant to this article shall be executed and acknowledged in the manner required for recording.

#### **Receipt of Patent; Publication of Notice**

**Section 37.** Within thirty days after the receipt of a patent for such lands, the governing body or judge entering the same, shall pub-

lish a notice in a newspaper published in the county in which the city or town is located. If no newspaper is published in the county, then in some newspaper published at the seat of government. The notice shall be published once each week for at least ten successive weeks, and shall contain an accurate description of the lands as stated in the patent.

#### **Claimants of Interest, Statements by**

**Section 38.** Any person claiming to be an occupant or entitled to occupancy or possession of any such lands shall, within one year after the first publication of the notice, in person or by an authorized agent or attorney, sign a statement containing an accurate description of the property in which the interest is claimed, and the specified right, interest or estate claimed therein, and deliver it to the governing body or judge. Any person failing to sign and deliver such statement within the time specified is forever foreclosed from claiming or recovering such lands, or any right, interest or estate therein in any court of law or equity. The provisions of this section do not apply to the property of minors or insane persons.

#### **Adverse Claims; Settlement of**

**Section 39.** Should two or more persons claim adversely the title to any parcel of land within a city or town, the governing body or judge which entered the property shall, immediately after the time for filing claims has expired, certify and transmit all proceedings and papers regarding the premises, to the district court of the county in which the property is located. Upon the receipt of the papers properly certified and payment of court fee and costs, the clerk of the district court shall enter the case upon the docket. The name of the claimant whose claim was first filed with the governing body or judge, being entered as plaintiff, and the other claimant or claimants as defendant. Thereafter the cause shall proceed in all respects as cases originally brought in the court. The clerk shall, upon the receipt by him of such papers and proceedings, serve upon each claimant, his agent or attorney, a written notice that his claim is contested. The notice shall specify the particular property contested, and the name of the adverse claimant. Upon the final determination of the claim, the clerk of the district court or supreme court, as the case may be, shall forthwith certify the decision to the governing body or judge, who shall execute and deliver to the prevailing party a conveyance in fee simple for the land awarded in the decision.

#### **Appeal to Supreme Court**

**Section 40.** Any aggrieved party may appeal from the judgment of the district court to the supreme court, as in other cases.

#### **Patentee to Make Deeds**

**Section 41.** After the issuance of the patent for such lands, the governing body or judge, to whom the patent is issued shall execute and deliver to each person legally entitled, a deed in fee simple on payment of the purchase money for the respective land,

together with an amount not to exceed fifty cents (\$0.50) for each lot, to pay for streets, alleys, squares and public grounds. The grantee shall also pay for preparing, executing and acknowledging the deed, not to exceed five dollars (\$5.00) for the first, and one dollar (\$1.00) for each additional lot claimed by the same owner; the cost of any stamps required by the laws of congress and of this state to be attached to the deed, and for counsel fee and moneys expended in the acquisition of the patent and the administration of the trust; including reasonable charges for time and services employed in the trust, not to exceed fifty cents (\$0.50) for each lot. The foregoing charges shall be in full payment for all expenses attending the execution of the trust.

#### **Acquisition of Lots; Limitation**

**Section 42.** (a) No person may occupy or claim at the minimum rate, more than one-quarter ( $\frac{1}{4}$ ) block of the lands included in any one patent, nor purchase a greater area than one-quarter ( $\frac{1}{4}$ ) block, except as provided in section 43.

(b) However, if a townsite is abandoned by all its inhabitants before all the parcels of the townsite are conveyed and remains abandoned and uninhabited for more than 25 years, the district judge may sell and convey all the unconveyed parcels of the townsite as a single unit with or without notice and on such terms and conditions as he considers proper.

#### **Unclaimed Lots**

**Section 43.** If all parcels of land are not conveyed to the proper owners before the expiration of one year after having been passed upon by the governing body or judge, or in the case of contest, within thirty days after the contest has been finally determined, it shall be sold to the highest bidder. The proceeds shall be applied to the erection of public buildings for the benefit of the city or town, after paying a proportionate share of the purchase money and other expenses, including expenses incurred by publication and sale. Notice of the sale authorized by this section shall be published as is provided for the notice required by section 37. The provisions of this section do not apply to the sale of real estate belonging to minor or insane persons, except upon an order of the court authorizing the sale. The order may be made by the court upon an ex parte application, under oath, of the trustee named in this article.

#### **Actions of Original Trustee**

**Section 44.** Any governing body or judge becoming a trustee under the act of congress, who, prior to the final execution of their trust, leaves office, may discharge and execute all trusts which they have assumed as if they had continued in office.

#### **Filling Trustee Vacancies**

**Section 45.** In case of death, removal from the state, or other disability of the trustee to execute the trust created by the act of congress, the governing body or judge of the district in which the

city or town is located, who succeeds the trustee in office, may assume the trust and execute it as provided in this article. If the vacancy is caused by the death, resignation or removal of one or more of the board of trustees, the remaining members may fill the vacancy by the election of one of the members of the governing body of the city or town.

#### **Trustees Acts through Attorneys**

**Section 46.** The trustees, or a majority of them of any trust created by the provisions of this article, and of the act of congress recognizing the trust, and authorizing its existence, in all cases where entries are made by the governing body, may be the execution of a power of attorney recorded in the office of the county clerk of the proper county, authorize any one member of the trustees to sign all conveyances of parcels of land included in the trust. The trustees so empowered may not execute any conveyance until directed to do so, in writing, by the trustees or a majority of them. A majority of the trustees may at any time revoke the power of attorney by making, acknowledging and recording a revocation in the office of the county clerk of the proper county.

### **ARTICLE 4. Changing form of government**

#### **Petition for Change; Requirements; Proclamation; Time Set for Special Election**

**Section 47.** The electors of any city or town may, not earlier than four (4) years following the adoption of any authorized form of municipal government, file with the clerk of the city or town, a petition signed by electors equal in number to fifteen per cent (15%) of the number of electors who voted in the last regular municipal election with the city or town calling for the submission of the question of whether the form of government then in existence should be abandoned in favor of another plan named in the petition. When the petition is filed the mayor shall, by a proclamation to be published in at least one (1) newspaper of general circulation in the said city or town at least once each week for four (4) consecutive weeks, submit the question of abandoning the existing form of government in favor of that named in the petition at a special election to be held at a time specified in the proclamation not less than thirty (30) days nor more than ninety (90) days after the petition is filed.

#### **Special Election; Election of Officers Under New Plan**

**Section 48.** The special election shall be conducted on the date specified, the vote canvassed and the result declared in the same manner as provided by law for other city or town elections. If the majority of votes cast are in favor of the proposed form of government, the city or town shall at the next municipal election, elect officers under the new plan. When the officers are elected and qualified, the city or town shall change the form of government to the plan named in the petition, proclamation and election.

#### **Time for Filing Petition; Limitations on Conducting Special Election**

**Section 49.** Petition for special elections shall be filed in the office of the clerk at least one hundred twenty (120) days prior to the

next regular municipal election. No special election may be held within sixty (60) days preceding a regular municipal election. If a petition is filed in the office of the clerk within one hundred twenty (120) days prior to a regular municipal election, the question of abandoning the existing form of government in favor of the form named in the petition, shall be submitted at the next general election.

#### **Resubmission; Limitation**

**Section 50.** If a majority of votes cast in the election favor the retention of the existing form of government, then the question of abandonment shall not be resubmitted to the voters for a period of four (4) years following the date of the election.

#### **Election Results**

**Section 51.** Immediately after the election, the mayor shall transmit to the secretary of state and to the county clerk a certificate stating the results of the election which shall be recorded in their offices.

#### **General Election Laws; Application; Expenses**

**Section 52.** In all elections under this article for the choice of candidates or the submission of questions to the electors, and in all matters and proceedings relating thereto, except as otherwise provided, the general election laws of the state, including penalties shall apply. All expenses of any election held under this article shall be paid by the city or town. The clerk shall file with the city or town treasurer an itemized statement of the expenses of the election setting forth the name of the person to whom payable, and such expenses shall be paid out of the general fund of the city or town without any special appropriation being made therefor.

#### **Existing Laws, Rights, etc.**

**Section 53.** All laws now in effect governing any city or town not inconsistent with the provisions of this article, and all by-laws, ordinances and resolutions lawfully passed and in force in any city or town under its former organization shall remain in force until altered or repealed by the governing body of its new organization. The territorial limits of a city or town shall remain the same as under the former organization, and all rights, powers and property of every description vested in any city or town under its former organization shall remain under its new organization. No right or liability either in favor of or against it existing at the time, and no suit or prosecution of any kind may be affected by a change in the form of government unless otherwise provided by law.

### **ARTICLE 5. Annexation**

#### **Define "Landowner."**

**Section 54.** The term "landowner" when used in this article means the owner of real property in the territory proposed to be annexed who was in the last calendar year liable for a property tax

thereon or was exempt by law from the payment of taxes on the property. One who has a right to purchase land under a written contract shall be deemed the owner of that land for annexation purposes.

#### **Requirements Before Annexation**

**Section 55.** Before any territory is eligible for annexation, the governing body of any city or town at a hearing as provided in Section 58 shall find:

(a) That an annexation of the area is for the protection of the health, safety, and welfare of the persons residing in the area and in the city or town.

(b) That the urban development of the area sought to be annexed would constitute a natural, geographical, economical and social part of the annexing city or town.

(c) That the area sought to be annexed is a logical and feasible addition to the annexing city or town and that the extension of basic services, such as water and sewer systems, police and fire protection, and other services customarily available to residents of the city or town can reasonably be furnished to the area proposed to be annexed.

(d) That the area sought to be annexed is contiguous with or adjacent to the annexing city or town. Contiguity will not be adversely affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way, a lake, stream, reservoir or other natural or artificial waterway located between the annexing city or town and the land sought to be annexed.

#### **Annexation Petition**

**Section 56.** The proceedings for annexation of eligible territory may be initiated by a written petition filed with the clerk of the city or town to which it is proposed to annex territory provided the following conditions and procedures are complied with:

(a) The petition shall be signed and dated by the landowners of a majority of the area sought to be annexed, excluding public streets and alleys, and tax exempt property. The landowners shall also comprise a majority in number of all landowners in the area.

(b) The petition shall contain the following detailed information:

(1) a legal description of the area sought to be annexed;

(2) a request that the described territory be annexed;

(3) a statement that each signer is an owner of land and a description of his land within the area proposed to be annexed; and

(4) a map of the area.

(c) No signature on the petition is valid if it is dated more than one hundred eighty (180) days prior to the date of filing the

petition for annexation with the clerk. No person signing a petition for annexation may withdraw his signature from the petition after it has been filed with the clerk.

(d) The clerk shall refer the petition to the governing body which shall then, without undue delay, take appropriate steps to determine if the petition is substantially in compliance with this article.

(e) If the petition is in minimum compliance, the city council shall adopt a resolution to that effect and the procedure outlined in Sections 58 and 59, shall then be followed. If it is not in minimum compliance the petitioner shall be notified that no further action will be taken on the petition until compliance is made.

#### **Initiation by Governing Body**

**Section 57.** The governing body of any city or town may initiate proceedings to annex territory by the following procedure:

(a) Reasonable evidence shall be procured by the city council indicating that a specific area meets the conditions and limitations of Section 55.

(b) The governing body shall cause to be prepared a legal description and a map of the area considered for annexation.

(c) The governing body shall determine if the area considered for annexation is in minimum compliance with Section 55. If the area is in minimum compliance, the city council shall adopt a resolution to that effect and the procedure outlined in Sections 58 and 59 shall then be followed. If the area is not in minimum compliance, no further action shall be taken on the proposed annexation.

#### **Public Hearing**

**Section 58.** (a) As a part of a resolution finding minimum compliance of an annexation petition, or as a part of a resolution for annexation proceedings initiated by the city or town, the governing body shall establish a date, time and place when a public hearing will be held to determine if the proposed annexation complies with Section 55. The hearing shall be held not less than thirty (30) days nor more than one hundred twenty (120) days after the effective date of the resolution.

(b) The clerk shall give notice of the public hearing by publishing a notice at least twice in a newspaper of general circulation in the territory sought to be annexed with the first notice given at least thirty (30) days prior to the date of the public hearing, and by mailing a copy of the published notice to the property owner at the address used to mail county tax notices. The notice shall contain a legal description of the area and the names of the persons owning property within the area.

#### **Objections**

**Section 59.** If after the hearing the governing body finds that the conditions as are required by Section 55 exist and that the re-



quired procedures have been met, it shall by ordinance annex the territory. If a landowner or landowners owning sixty per cent (60%) or more of the area to be annexed, where the area is occupied by not more than five (5) family units, file written objections to the annexation at or prior to the hearing, no further action may be taken on the proposed annexation. However, in the event that fifty per cent (50%) or more of the perimeter of the area to be annexed is adjacent and contiguous to the corporate limits of the annexing city or town, the foregoing restrictions do not apply.

#### **Annexation of City-Owned Property**

**Section 60.** When the city is the sole owner of any territory whether or not contiguous that it desires to annex, or when all of the owners of such land sign the petition to annex, the city council may by ordinance annex the territory to the city without notice or public hearing as provided in Section 58. All ordinances annexing territory without notice and public hearing shall contain a statement that the territory is solely owned by the petitioning city or town or that all of the owners of said territory have signed a petition requesting such annexation.

#### **Effective Date of Annexation**

**Section 61.** The annexation of any territory becomes effective upon the date provided in the ordinance. However for purposes of taxation, the annexation does not become effective until January 1 next following the effective date of the ordinance, unless an appeal is filed and perfected, in which case the effective date shall be January 1 next following the Court's final decision of the matter.

#### **Appeal to District Court**

**Section 62.** If any landowner in the territory proposed to be annexed, or any owner of real property in the annexing city, believes himself to be aggrieved by the acts of the governing body, then the acts or findings of the governing body may be reviewed upon appeal to the District Court. If, after hearing, the Court determines that the action taken was capricious or arbitrary or if it appears to the Court from the evidence adduced that the landowner's right in his property is being unwarrantedly invaded or that the governing body has abused its discretion, it shall declare the annexing ordinance void. If, after hearing, the Court determines the action taken was not arbitrary or capricious and that the governing body did not abuse its discretion, it shall sustain the ordinance. All proceedings to review the findings and the decisions of the governing body shall be brought within ten (10) days of the effective date of the annexation ordinance, and if not brought within that time it shall forever be barred.

#### **Entitlements of Annexed Area**

**Section 63.** The territory and inhabitants of any annexed area shall be subject to all the laws, ordinances, rules and regulations of the city or town to which they are annexed and shall be entitled to all the rights, privileges and franchise services afforded the inhabit-

ants thereof including fire protection, sanitary facilities and utility service. In event that the inhabitants of the city or town are furnished any utility service by the city or town or under franchise, the annexed area shall receive the same service.

#### **Potential Urban Area Not to Incorporate**

**Section 64.** All territory within one (1) mile of an incorporated city or town, as it now exists or may hereafter be established, is declared to be potentially an urban area. No territory within a potential urban area may be incorporated as a city or town unless the governing body of the city or town causing the potential urbanized area to exist approves by resolution the proposed incorporation.

#### **Consent of Certain Landowners Required**

**Section 65.** No tract of land or any part thereof, whether consisting of one parcel or two or more contiguous parcels owned by one landowner or owned jointly by two or more landowners as co-tenants, which comprises forty (40) acres or more and which, together with the buildings or improvements situated thereon, has an assessed valuation in excess of forty thousand dollars (\$40,000) as of the current assessment for property tax purposes, may be annexed without the written consent of the landowner or landowners, unless the tract of land is situated entirely within the boundaries of the annexing city or town.

#### **Location of Uncertain Boundaries**

**Section 66.** Whenever the exact location of the boundaries of any city or town is uncertain or incapable of ascertainment, the governing body may by ordinance provide for a survey or perambulation of the boundaries. When the survey or perambulation is made, the boundaries shall be marked by substantial monuments, and the person making the survey shall report to the governing body describing by metes and bounds the boundaries. The description shall as near as possible refer, if upon surveyed lands, to the corners or lines of the United States surveys. The person making the survey shall also file with the clerk the field notes of his survey, and thereafter the governing body shall file a copy of the report together with a copy of the field notes duly certified by the mayor and clerk, with the county clerk for the county in which the city or town is located.

#### **Oath of Surveyor**

**Section 67.** If the person making the survey or perambulation is not an officer of the city or town he shall, before entering upon the work, take and subscribe an oath to faithfully, diligently and to the best of his ability, make the survey or perambulation and that he will make field notes and report accurately the results of the survey and the description of the boundaries. The oath shall be filed with the clerk and a copy thereof shall be attached to the certificate filed with the county clerk.

#### **Presumptive Evidence of Boundaries**

**Section 68.** When any survey or perambulation has been made and recorded it is presumptive of the boundaries of the city or town.

A copy of the instrument filed with the county clerk certified to by him shall be received in evidence in any court of this state.

#### **Additions**

**Section 69.** The owner of any land within or contiguous to any city or town may lay out the land into lots, blocks, streets, avenues and alleys and other grounds under the name of ..... addition to the City (Town) of ..... An accurate map or plat shall be made designating the land laid out, and particularly describing the lots, blocks, streets, avenues and alleys and other grounds of the addition. The lots must be designated by numbers, and the streets, avenues and other grounds by name or numbers. The plat shall be acknowledged before some officer authorized to take the acknowledgement of deeds, and have appended a survey, made by some competent surveyor, with a certificate that he has accurately surveyed the addition, and that the lots, blocks, streets, avenues, alleys, parks, commons and other grounds are accurately staked off and marked. When the map or plat is made out, acknowledged, certified, and approved by the governing body, it shall be filed and recorded in the office of the county clerk of the county. When filed it shall be equivalent to a deed in fee simple to the city or town from the owner, of all streets, avenues, alleys, public squares, parks and commons, and of that portion of the land set apart for public and city use, or dedicated to charitable, religious or educational purposes. All additions thus laid out shall become a part of the city or town for all purposes, and the inhabitants of the addition are entitled to all the rights and privileges and subject to all the laws, ordinances, rules and regulations of the city or town. The governing body may by ordinance compel the owner of any addition to lay out streets, avenues and alleys to correspond in width and direction and be continuations of the streets, ways and alleys in the city or town or other additions thereto. No addition is valid unless the terms and conditions of the ordinance are complied with, and the plat submitted and approved by the governing body.

#### **Exclusion of Land from Corporate Limits**

**Section 70.** When all of the owners of any tract of land within the corporate limits of any city or town together with two-thirds of real property owners of the remainder of the city or town petitions the governing body to have that tract of land excluded from the city or town, the governing body shall publish the petition in a newspaper of general circulation in the city or town at least once each week for three (3) consecutive weeks. The notice shall state the time and place when and where the governing body will consider and act on the petition. If the governing body upon consideration of the petition finds it not in the best interests of the city or town to grant the petition it shall deny the petition, but if it is deemed proper the governing body shall enter a resolution excluding that tract of land from the city or town and changing the boundaries accordingly, and file in the office of the county clerk a plat showing the change made by the exclusion. When the plat or map showing the change is filed, the tract of land designated shall be excluded from the city or town. To permit construction of highways by the state, the governing body

may exclude from any city or town land sufficient for the construction of the state highway. Notice by publication of the intended action shall be given of the time and place of public hearing for objections to be heard. The notice shall be published once each week for four (4) consecutive weeks prior to the hearing in a newspaper of general circulation within the city or town. No action may be taken by the governing body to exclude land for highway purposes over the objection of any owner of property to be excluded.

## ARTICLE 6. Planning

### Definitions

**Section 71.** For the purposes of this article certain terms are defined as provided in this section. The term "street" includes streets, highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and rights-of-way and other ways. The term "subdivision" means the division of a tract or parcel of land into three or more parts for immediate or future sale or building development.

### Planning Commission

**Section 72.** Each city and town may have a planning commission, the number and terms of the members, mode of appointment and other details relating to its organization and procedure shall be determined by the governing body. The members shall serve without compensation, except for reasonable expenses. The commission may appoint employees and staff necessary for its work, and may contract with city planners and other consultants, including any appropriate agencies or departments of the State of Wyoming, for such service as it requires. The expenditures of the commission shall not exceed the amount of funds appropriated by the governing body or placed at its disposal through gifts or otherwise.

### Master Plan

**Section 73.** The planning commission shall, after holding public hearings, adopt and certify to the governing body, a master plan for the physical development of the municipality. When the plan involves territory outside the city or town, action shall be taken with the concurrence of the county through its board of county commissioners or county planning commission, or other municipal legislative body concerned. The master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for the development, and may include the general location, character, and extent of streets, bridges, viaducts, parks, waterways and waterfront developments, playgrounds, airports, and other public ways, grounds, places, and spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, heat, sanitation, transportation, communication, and other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of the foregoing public ways,

grounds, places, spaces, buildings, properties, utilities, or terminals; a zoning plan for the regulation of the height, area, bulk, location and use of private and public structures and premises, and of population density; the general location, character, layout, and extent of community centers and neighborhood units; and the general character, extent and layout of the replanning of blighted districts and slum areas. The planning commission may from time to time amend, extend or add to the plan or carry any part or subject matter into greater detail.

#### **Purpose of Master Plan**

**Section 74.** In the preparation of the master plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the municipality and its environs. The plan shall be made for the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, or the general welfare, as well as efficiency and economy in the process of development.

#### **Adoption of Master Plan**

**Section 75.** The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time adopt parts thereof. Any part of the plan shall correspond generally with one or more of the functional sub-divisions of the subject matter of the plan. The adoption of the plan or any part, amendment, or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the commission. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof over the signature of the secretary of the commission. A copy of the plan or part thereof shall be certified to the governing body.

#### **Public Construction**

**Section 76.** When the governing body has adopted the master plan or any part thereof, no street, park or other public way, ground, place or space, public building or structure, or public utility, whether publicly or privately owned, may be constructed until its location and extent conforms to the plan and has been submitted to and approved by the planning commission. If disapproved, the commission shall communicate its reasons to the governing body which may by a vote of not less than a majority of its entire membership, overrule the disapproval. If overruled, the governing body or the appropriate board or officer may proceed. However, if the public way, ground, place, space, building, structure or utility is one which the governing body, or other body or official of the municipality may not authorize or finance, then the submission to the planning commission shall be by the board or official having that jurisdiction, and the planning commission's

disapproval may be overruled by that board by a vote of not less than a majority of its entire membership or by that official. The acceptance, widening, removal, extension, relocating, narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or lease of any street or other public way, ground, place, property, or structure, may be similarly overruled. The failure of the planning commission to act within thirty (30) days after the proposal has been submitted to it shall be deemed approval, unless a longer period is granted by the governing body or other submitting body, board or official.

#### **Commission; Reports, Powers, etc.**

**Section 77.** The planning commission may make reports and recommendations relating to the plan and development of the municipality to public officials and agencies, other organizations and citizens. It may recommend to the executive or legislative officials programs for public improvement and their financing. In general, the planning commission has all powers necessary to enable it to perform its functions and promote municipal planning.

#### **Street Plan**

**Section 78.** After the planning commission has adopted a major street plan, the governing body may establish an official map of the whole or any part of the existing public streets. The map may also show the location of the lines of streets on plats of sub-divisions which have been approved by the planning commission. The governing body may make other additions to or modifications of the official map by extending the lines of proposed new streets or street extensions, widenings, narrowings, or vacations which have been accurately surveyed and definitely located. Before taking any such action the governing body shall hold a public hearing thereon. Any proposed addition to or modification of the official map shall be submitted to the planning commission for its approval, and if it disapproves, the addition or modification requires an affirmative vote of not less than a majority of the entire membership of the governing body for its approval. The placing of any street or street lines upon the official map does not of itself constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes. Upon adoption of the ordinance creating the official map, the governing body shall direct that the ordinance be recorded in the office of the county clerk.

#### **Construction Within Street Lines; Board of Adjustment**

**Section 79.** To preserve the integrity of the official map, the governing body may provide by ordinance subject to appropriate eminent domain proceeding that no permit may be issued for any building or structure which encroaches upon land located within the lines of any street as shown on the official map. The ordinance shall provide that the board of adjustment created by ordinance, shall have the power, upon an appeal filed with it by the owner of any such land, to authorize a permit for a building or structure within any mapped-street location when the board of adjustments, upon the

evidence, finds (a) that the property of the appellant a portion of which lies within the street lines will not yield a reasonable return to the owner unless the permit is granted, or (b) that, balancing the interest of the municipality in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the grant of the permit is required by justice and equity. Before taking any action, the board of adjustment shall hold a public hearing thereon. If the board of adjustment decides to authorize a building permit, it may specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, to be permitted.

### **Sub-division Plats**

**Section 80.** When the planning commission of any municipality has adopted a major street plan and has certified it to the governing body, no plat of a sub-division of land lying within the municipality may be filed or recorded in the office of the county clerk until it has been submitted to and approved by the planning commission and governing body, and their approval entered in writing on the plat by the secretary of the planning commission and clerk of the governing body, or other designated members or employees. No county clerk may file or record a plat of a sub-division without such approval, and the filing or recording of a plat of a sub-division such approval is void. In exercising the powers granted to it, the planning commission shall prepare regulations governing the sub-division of land within the municipality. A public hearing thereon shall be held by the governing body, after which it may adopt the regulations for the municipality.

### **Transfer of Land without Approved Plat**

**Section 81.** Subject to appropriate eminent domain proceedings whoever transfers or sells any land located within any area for which a major street plan has been adopted by the planning commission and the governing body, except for land located in a recorded sub-division, without first preparing a sub-division plat and having it approved by the planning commission and governing body and recorded in the office of the county clerk shall pay a penalty of one hundred dollars (\$100) for each lot transferred or sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The municipality may enjoin the transfer or sale or may recover the penalty by civil action.

### **Violations**

**Section 82.** Violation of any of the provisions of this article shall be punishable as a misdemeanor. The municipality, or any owner of real estate within the district in which the offending building, structure or land is located may, in addition to other remedies provided by law, institute injunctions, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove any unlawful erection, construction, alteration, maintenance or use.

## ARTICLE 7. Zoning

### Scope and Purpose

**Section 83.** For the promotion of health, safety, morals and the general welfare of the community, the governing body of any city or town may regulate and restrict, by ordinance, the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, and may also establish set-back building lines.

### Building Districts Authorized

**Section 84.** To give effect to the purposes of this article the governing body may divide the city or town into districts of such number, shape and area as deemed necessary, and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or land. All regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in another district.

### Regulations to Follow Plan

**Section 85.** All regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements. All regulations shall be made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city or town.

### Power of Governing Body; Public Hearing

**Section 86.** The governing body shall provide the manner in which regulations, restrictions and the district boundaries are to be determined, established and enforced, and from time to time amended, supplemented or changed. However, no regulation, restriction or boundary becomes effective until after a public hearing at which parties in interest and citizens have an opportunity to be heard. At least fifteen days' notice of the time and place of the hearing shall be published in a newspaper of general circulation in the city or town.

### Regulations; Changes in; Protests

**Section 87.** All regulations, restrictions and boundaries may be amended, supplemented, changed, modified or repealed. However, if



there is a protest against the change signed by the owners of twenty percent (20%) or more of the area of the lots included in the proposed change, or of those immediately adjacent within a distance of one hundred forty (140) feet, the amendment does not become effective except upon the affirmative vote of three-fourths ( $\frac{3}{4}$ ) of all the members of the governing body. In determining the one hundred forty (140) feet, the width of any intervening street or alley shall not be included. The provisions for public hearings and notice apply to all changes or amendments.

### **Zoning Commission**

**Section 88.** The governing body shall appoint a zoning commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The commission shall make a preliminary report and hold public hearings before submitting its final report. The governing body shall not hold its public hearings or take action until it has received the final report of the commission. Where a city planning commission already exists, it may be appointed as the zoning commission.

### **Board of Adjustment**

**Section 89.** (a) The governing body may provide for and appoint a board of adjustment consisting of five members each to be appointed for a term of three years. The initial appointments shall be, one for one year, two for two years, and two for three years and thereafter for three years. Any member of the board of adjustment may be removed for cause by the governing body upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The board of adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to this article. It shall also hear and decide all matters referred to it or upon which it is required to pass under any such ordinance.

(b) The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this article. Meetings of the board shall be held at the call of the chairman, and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board are open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions. All minutes shall be filed immediately in the office of the board and are public records.

(c) Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the city or town affected by any decision of the administrative officer. Appeals shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal

specifying the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(d) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, granted by the district court for the district, or a judge thereof, on notice to the officer from whom the appeal is taken, and on due cause shown.

(e) (i) The board of adjustment shall fix a reasonable time for hearing the appeal, give public notice, adequate notice to the parties in interest, and decide the appeal within a reasonable time. Upon the hearing any party may appeal in person or by agent or by attorney.

(ii) The board of adjustment has the following powers:

(1) To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this article, or of any ordinance adopted pursuant thereto.

(2) To hear and decide special exemptions to the terms of the ordinance upon which the board is required to pass under the ordinance.

(3) To vary or adjust the strict application of any of the requirements of any ordinance adopted pursuant to this article in the case of an irregular, narrow, shallow, or steep lot or other physical condition applying to a lot or building as a result of which strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. No adjustment in the strict application of any provision of such ordinance may be granted by the board unless it finds: (A) that there are special circumstances or conditions, fully described in the findings of the board, applying to the land or building for which the adjustment is sought, which circumstances or conditions are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the ordinance; (B) that, for reasons fully set forth in the findings of the board, the circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or building, that the granting of the adjustment is necessary for the reasonable use of the land or building, and that the adjustment as granted by the board is the minimum adjustment that will accomplish this purpose; and (C) that the granting of the adjustment will be in harmony with the general purposes and intent of the ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(4) To grant exceptions and variances upon request where, after a showing that an illegal construction or a non-conform-

ing building or use existed for a period of at least five (5) years in violation of local ordinance or ordinances and the city or town has not taken steps toward enforcement.

(f) In exercising its powers the board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as necessary, and to that end has all the powers of the officer from whom the appeal is taken.

(g) The concurring vote of four members of the board is necessary to reverse any order, requirement decision or determination of any administrative official, or to decide in favor of the application on any matter upon which it is required to pass under any ordinance or to effect any variation in the ordinance.

(h) The decision of the board of adjustment, upon any objection made within the time and in the manner prescribed, may be reviewed by the district court, upon appeal taken in the following manner: Any person or persons, jointly or severally aggrieved by any decision of the board of any taxpayer or any officer, department, board or bureau of the city or town shall file written notice of appeal with the secretary of the board within ten days after the decision has been entered on the board's records, setting forth that the decision is illegal in whole or in part, specifying the grounds of the illegality. Within ten days after filing the notice of appeal with the secretary of the board, the appellant shall file with the clerk of the district court a transcript consisting of the order, requirement, decision or determination of any administrative official, charged with the enforcement of any ordinance adopted pursuant to this article, and the board's decision on the matter, together with the ordinance under which the administrative officer and board may have acted, and the record of the administrative officer and the board, covering all their acts in the matter. Upon payment of the necessary fees therefor, the transcript shall be furnished by the secretary of the board, and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in the transcript. The fees shall be the same as the fees payable to the clerk of the district court on appeal to the supreme court in civil cases. At the time of filing the notice of appeal with the clerk of the district court, the appellant shall execute and file with the clerk of the district court a sufficient bond in a penal sum of two hundred dollars (\$200) with at least two sureties, to be approved by the judge of the court, conditioned to prosecute the appeal without delay, and if unsuccessful, to pay all costs to which the city or town is put because of the appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds, as the necessity of the case may require. Within three days after the transcript is filed in the district court, the appellant shall give written notice to the head of the legal department of the city or town and to the secretary of the board, that the transcript is filed. The notice shall set a time (not less than three days from the service thereof) for hearing, and the district court shall, at that time or at a time fixed by order of the court or judge, hear and determine the appeal. If it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence as it may direct and report to

the court. The referee's findings of fact and conclusion of law shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or modify the decision brought up for review.

(i) Costs shall not be allowed against the board, unless it appears to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from. Any costs allowed by the court against the board shall be paid by the city or town under rules provided in the ordinance.

(j) All issues in any proceeding under this section have preference over all other civil actions and proceedings.

(k) The judgment of the court shall confirm, correct, modify or annul the decision appealed from, insofar as it affects the appellant or his property. A certified copy of the judgment of the court shall be filed with the clerk of the board, and he shall modify and correct the decision in accordance with that judgment. An appeal shall lie to the supreme court from the judgment of the district court, as in other cases. The appeal shall be taken within fifteen days after the date of entry of the judgment in the district court. The record and opening brief of the appellant shall be filed with the supreme court within sixty days after the appeal has been taken by notice as provided in this article. The time for filing the record, service and filing of briefs may be extended by order of the district court, or by stipulation of the parties concerned. The supreme court may correct, change, modify, confirm, or annul the decision of the administrative officer, the board or the district court, insofar as it affects the appellant or his property. A certified copy of the order of the supreme court shall be filed with the secretary of the board, who shall modify and correct the decision of the board in accordance with that decision.

### **Violations; Prevention and Abatement**

**Section 90.** If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this article or of any ordinance or other regulation made under its authority, the proper authorities of the city or town, in addition to other remedies prescribed by ordinance, may institute any appropriate legal action or proceedings to prevent the violation; to prevent the occupancy of the building, structure or land or to prevent any illegal act, conduct, business or use in or about the premises.

### **Construction of Regulations**

**Section 91.** When the regulations made under this article require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statutes or local ordinance or regulation, the provisions of the regulations made under authority of this article govern. When the provisions of any other statute or local ordinance or regulation require a greater width

ing building or use existed for a period of at least five (5) years in violation of local ordinance or ordinances and the city or town has not taken steps toward enforcement.

(f) In exercising its powers the board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as necessary, and to that end has all the powers of the officer from whom the appeal is taken.

(g) The concurring vote of four members of the board is necessary to reverse any order, requirement decision or determination of any administrative official, or to decide in favor of the application on any matter upon which it is required to pass under any ordinance or to effect any variation in the ordinance.

(h) The decision of the board of adjustment, upon any objection made within the time and in the manner prescribed, may be reviewed by the district court, upon appeal taken in the following manner: Any person or persons, jointly or severally aggrieved by any decision of the board of any taxpayer or any officer, department, board or bureau of the city or town shall file written notice of appeal with the secretary of the board within ten days after the decision has been entered on the board's records, setting forth that the decision is illegal in whole or in part, specifying the grounds of the illegality. Within ten days after filing the notice of appeal with the secretary of the board, the appellant shall file with the clerk of the district court a transcript consisting of the order, requirement, decision or determination of any administrative official, charged with the enforcement of any ordinance adopted pursuant to this article, and the board's decision on the matter, together with the ordinance under which the administrative officer and board may have acted, and the record of the administrative officer and the board, covering all their acts in the matter. Upon payment of the necessary fees therefor, the transcript shall be furnished by the secretary of the board, and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in the transcript. The fees shall be the same as the fees payable to the clerk of the district court on appeal to the supreme court in civil cases. At the time of filing the notice of appeal with the clerk of the district court, the appellant shall execute and file with the clerk of the district court a sufficient bond in a penal sum of two hundred dollars (\$200) with at least two sureties, to be approved by the judge of the court, conditioned to prosecute the appeal without delay, and if unsuccessful, to pay all costs to which the city or town is put because of the appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds, as the necessity of the case may require. Within three days after the transcript is filed in the district court, the appellant shall give written notice to the head of the legal department of the city or town and to the secretary of the board, that the transcript is filed. The notice shall set a time (not less than three days from the service thereof) for hearing, and the district court shall, at that time or at a time fixed by order of the court or judge, hear and determine the appeal. If it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence as it may direct and report to

the court. The referee's findings of fact and conclusion of law shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or modify the decision brought up for review.

(i) Costs shall not be allowed against the board, unless it appears to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from. Any costs allowed by the court against the board shall be paid by the city or town under rules provided in the ordinance.

(j) All issues in any proceeding under this section have preference over all other civil actions and proceedings.

(k) The judgment of the court shall confirm, correct, modify or annul the decision appealed from, insofar as it affects the appellant or his property. A certified copy of the judgment of the court shall be filed with the clerk of the board, and he shall modify and correct the decision in accordance with that judgment. An appeal shall lie to the supreme court from the judgment of the district court, as in other cases. The appeal shall be taken within fifteen days after the date of entry of the judgment in the district court. The record and opening brief of the appellant shall be filed with the supreme court within sixty days after the appeal has been taken by notice as provided in this article. The time for filing the record, service and filing of briefs may be extended by order of the district court, or by stipulation of the parties concerned. The supreme court may correct, change, modify, confirm, or annul the decision of the administrative officer, the board or the district court, insofar as it affects the appellant or his property. A certified copy of the order of the supreme court shall be filed with the secretary of the board, who shall modify and correct the decision of the board in accordance with that decision.

### **Violations; Prevention and Abatement**

**Section 90.** If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this article or of any ordinance or other regulation made under its authority, the proper authorities of the city or town, in addition to other remedies prescribed by ordinance, may institute any appropriate legal action or proceedings to prevent the violation; to prevent the occupancy of the building, structure or land or to prevent any illegal act, conduct, business or use in or about the premises.

### **Construction of Regulations**

**Section 91.** When the regulations made under this article require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statutes or local ordinance or regulation, the provisions of the regulations made under authority of this article govern. When the provisions of any other statute or local ordinance or regulation require a greater width

or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under this article the provisions of the statute, local ordinance or regulation govern.

#### ARTICLE 8. Industrial Development Projects.

##### Definitions

**Section 92.** When used in this article the following terms have the meaning ascribed to them:

(a) "Project" means any land, building or other improvement, and all real and personal properties necessary in connection therewith, whether or not in existence, suitable for manufacturing or industrial enterprises;

(b) "Mortgage" means any security device.

##### Powers

**Section 93.** In addition to all other powers each municipality and county has without any other authority the following powers:

(a) To acquire, whether by construction, purchase, device, gift, or lease, one or more projects, located within this state, and may be located within or without the municipality or county;

(b) To lease any or all of its projects upon terms and conditions fixed by the governing body and consistent with the provisions of this article;

(c) To issue revenue bonds to defray the cost of acquiring or improving any project or projects, and secure the payment of the bonds as provided in this article. Revenue bonds may be issued in two or more series or issues if necessary, and each series or issue may contain different maturity dates, interest rates, priorities on revenues available for payment, priorities on securities available for guaranteeing payment, and other terms and conditions deemed necessary and consistent with the provisions of this article; and

(d) (i) To sell and convey any real or personal property acquired under subsection (a) of this section, and make any order respecting that property in the best interest of the municipality or county. The sale or conveyance shall be subject to the terms of any lease but free and clear of any other incumbrance.

(ii) No municipality or county may operate any project, referred to in this section, as a business or in any manner except as the lessor, nor acquire any such project, or any part thereof, by condemnation.

##### Bonds

**Section 94.** (a) No bonds issued by a municipality or county under this article may be general obligations of the municipality or county. Bonds and interest coupons, do not constitute nor give rise to a pecuniary liability of the municipality or county or a charge against its general credit or taxing powers. These limitations shall be stated clearly on the face of each bond.

(b) The bonds may be executed and delivered at any time, in such form and denominations, be of such tenor, in registered or bearer form either as to principal or interest or both, payable in installments and at any time not exceeding thirty years from their date, payable at any place, bear interest at any rate, be redeemable prior to maturity, with or without premium, and contain any provisions inconsistent herewith, if deemed in the best interest of the municipality or county and if provided for by the governing body when the bonds were authorized.

(c) Any bonds, issued under this article, may be sold at public or private sale in a manner and at a time set by the governing body. The municipality or county shall pay all necessary expenses, premiums, and commissions in connection with the authorization, sale and issuance of the bonds from the proceeds of the sale or from the revenues of the projects.

(d) All bonds and interest coupons are negotiable instruments, although payable solely from a specified source.

### **Bond Security**

**Section 95.** (a) The principal and interest on any bonds issued under this article shall be secured by a pledge of the revenues of the project for which the bonds were issued and may be secured by a mortgage covering all or any part of the project, by a pledge of the lease of the project, or by other security devices deemed advantageous that do not constitute a general obligation of the municipality or county.

(b) Any mortgage given to secure the bonds may contain any agreement and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting the fixing and collection of rents for any project covered, the terms of the lease of the project, the maintenance and insurance of the project, the creation and maintenance of special funds from the revenues of the project, and the rights and remedies available in the event of a default to the bondholders or to the trustee under a mortgage. A municipality or county shall not obligate itself except with respect to the project and the application of its revenues, and shall not incur a pecuniary liability or a charge upon its general credit or against its taxing powers.

(c) Any mortgage securing the bonds may provide that, in the event of a default in the payment of the principal or interest or in the performance of any of the terms of the agreement or mortgage, payment and performance may be enforced by mandamus or by the appointment of a receiver with power to charge and collect rents and to apply the revenues from the project in accordance with the agreement or mortgage.

(d) Any mortgage to secure the bonds may also provide that, in the event of a default in the payment or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed and sold in any manner permitted by law. The mortgage may also provide that any trustee under the mortgage or the holder of any of the bonds secured thereby may become the purchaser at any



foreclosure sale. No breach of any such agreement may impose any pecuniary liability upon a municipality or county or any charge upon their general credit or against their taxing powers.

### **Leasing of Projects**

**Section 96.** (a) Before leasing any project, the governing body shall determine and find the following: (1) The amount necessary to pay the principal and the interest on the bonds proposed to finance the project; (2) the amount necessary to be paid into any reserve funds which the governing body may establish in connection with the retirement of the proposed bonds and the maintenance of the project including taxes; (3) the estimated cost of maintaining the project in good repair and keeping it properly insured, unless the terms under which the project is to be leased provide that the lessee shall maintain and carry all proper insurance on the project.

(b) The determinations and findings of the governing body, shall be set forth in the record of proceedings at which the proposed bonds are authorized. Before issuing the bonds, the municipality or county shall lease the project under an agreement conditioned upon completion of the project and providing for payment of such rentals as, upon the basis of the determinations and findings, will be sufficient to pay the principal and interest on the bonds, to pay the taxes on the project, to build up and maintain any necessary reserves, and to pay the costs of maintaining the project in good repair and keeping it properly insured, unless the agreement of lease obligates the lessees to pay for the maintenance and insurance of the project. Subject to the limitations of this article, the lease or its extensions or modifications may contain other terms and conditions mutually acceptable to the parties, and notwithstanding any other provisions of law relating to the sale of property owned by municipalities and counties, the lease may contain an option for the lessees to purchase the project.

### **Refunding Bonds**

**Section 97.** Any bonds issued under this article and outstanding may be refunded at any time by a municipality or county by the issuance of refunding bonds in an amount sufficient to refund the principal together with any unpaid interest and any necessary premiums and commissions. An issue of refunding bonds may be combined with an issue of additional revenue bonds on any project if consistent with the requirements of subsection (a) of section 96. Any refunding may be effected whether the bonds to be refunded have matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds in payment of the bonds to be refunded, or by exchange of the refunding bonds for the bonds to be refunded. The holders of any bonds to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are by their terms subject to redemption by option or otherwise. Any refunding bonds shall be subject to the provisions of section 94, and may be secured as provided in section 95.

**Use of Bond Proceeds**

**Section 98.** The proceeds from the sale of any bonds issued under this article shall be applied only for the purpose for which the bonds were issued. Any accrued interest and premium received on the sale shall be applied to the payment of the principal or the interest on the bonds sold. If any portion of the proceeds is not needed for the purpose for which the bonds were issued, then the unneeded portion shall be applied to the payment of the principal or the interest on the bonds. The cost of acquiring or improving any project shall include the following: (1) The actual cost of acquiring or improving the real estate; (2) the actual cost of construction of all or any part of the project, including architects and engineers' fees; (3) all expenses in connection with the authorization, sale and issuance of the bonds to finance the acquisition or improvement; (4) and the interest on the bonds for a reasonable time prior to construction, during construction, and for not more than six months after completion of construction.

**Taxation of Projects**

**Section 99.** Notwithstanding that title to a project may be in a municipality or county, such projects are subject to taxation to the same extent, in the same manner, and under the same procedures as privately-owned property in similar circumstances, if the projects are leased to or held by private interests on both the assessment date and the date the levy is made in any year. Such projects are not subject to taxation in any year if they are not leased to or held by private interests on both the assessment date and the date the levy is made in any year. When personal property owned by a municipality or county is taxed under this section and the taxes are delinquent, levy by distress warrant for collection of the delinquent taxes may be made only on the personal property against which the taxes were levied.

**Advice on Projects**

**Section 100.** The Wyoming natural resource board of the University of Wyoming shall furnish advice and information in connection with a project when requested to do so by a county or municipality.

**ARTICLE 9. Off-Street Parking.****Construction Authorized**

**Section 101.** The governing body of any city or town may construct and provide off-street parking facilities to reduce street congestion.

**Use of Parking Meter Funds to Finance**

**Section 102.** Any municipality may by ordinance appropriate all or any portion of the revenues derived from the use of parking meters in excess of the cost of their purchase, lease, installation,

maintenance and operation for the creation, purchase, lease, construction and maintenance of off-street parking facilities.

#### **Revenue Bonds**

**Section 103.** Any city or town may issue revenue bonds for the creation, purchase, lease, construction and maintenance of off-street parking facilities. The procedure for issuing revenue bonds is the same as that prescribed in the existing law for the issuance by municipalities of revenue bonds for sewerage systems.

#### **Use of Other Funds**

**Section 104.** Any city or town not using parking meters may use any other funds available to carry out the provisions of this article.

#### **Furnishing Products or Service Prohibited**

**Section 105.** No produce or service other than the parking and delivery of motor vehicles may be dispensed or furnished at or in connection with any municipal parking facility.

### **ARTICLE 10. Band Concerts.**

#### **Local Bands; Payment of Expenses**

**Section 106.** Any city or town may provide public band concerts for the entertainment of their people, and pay the expense out of any moneys in the general fund of the city or town. The band concerts shall be given at a place or places designated by the governing body. No band may be employed to give concerts other than a regularly organized band whose members are residents of the city or town where the concert is given.

#### **Tax Levy**

**Section 107.** Any city or town may, when authorized levy each year a tax not exceeding one (1) mill on the dollar of all taxable property within its boundaries for band concerts.

#### **Petition for Election to Levy Tax**

**Section 108.** When a petition signed by fifteen per cent (15%) of the qualified electors who are real property holders within the city or town is filed with the clerk requesting that the following question be submitted to the election of the city or town:

"Shall a tax not exceeding ..... mill be levied each year on all taxable property within the boundaries of the ..... of ..... for the purpose of providing a fund for the maintenance or employment of a municipal band for musical purposes?" the governing body shall submit the question to the voters at the next general municipal election.

#### **Action if Approved by Electors**

**Section 109.** If a majority of votes cast favor the proposition the governing body shall in each subsequent year levy the tax as

approved by the electors in the petition but not exceeding one (1) mill on the dollar on all taxable property within the city or town.

#### **Petition for Discontinuance**

**Section 110.** When a petition signed by fifteen per cent (15%) of the qualified electors who are real property holders within the city or town is filed with the clerk requesting that the following question be submitted to the voters:

“Shall the levy of a tax for the purpose of providing a fund for the maintenance or employment of a municipal band for municipal purposes be discontinued?” the governing body shall submit the question at the next general municipal election. If a majority of the votes are in the affirmative, the levy shall be discontinued.

#### **Disposition of Funds Derived from Levy**

**Section 111.** All funds derived from any levy made for band concerts shall be expended only for that purpose.

### **ARTICLE 11. Dissolution of Certain Towns.**

#### **Dissolution; When; Vote; Transfer of Property**

**Section 112.** When the population residing within the corporate limits of any city or town is thirty-five (35) persons or less according to an accurate census made in the manner specified in this article, three-fourths ( $\frac{3}{4}$ ) of the members of the governing body or if there is no governing body, a majority of those persons living within the county in which the municipality is situated who were members of the last governing body, may resolve to dissolve its municipal corporate status. Those persons may give, transfer, convey or assign all or any part of the municipal corporate assets, including money, real and personal property, and rights, titles and interests of any nature, to the nearest city or town within the same county.

#### **Census Prior to Dissolution**

**Section 113.** The governing body, or the persons of the last governing body shall cause an accurate census to be taken of the resident population of the city or town on some day not more than forty (40) days prior to the date of passage of the resolution to dissolve its municipal corporate status, to determine whether its resident corporate population is thirty-five (35) persons or less. The census shall name every head of a family residing within the municipality on that day, and the number of persons then belonging to every family, and shall be verified by the affidavit of the person or persons taking the census.

#### **Disposition of Assets**

**Section 114.** The city or town receiving the assets becomes the absolute and unconditional owner of that property. The receiving city or town shall cause all money so received to be deposited in and credited to its general fund, and may make expenditures thereof for any lawful purpose and manage, dispose of, or control such other assets in any manner provided by law.

**Resolution of Dissolution; Statement of Assets**

**Section 115.** Any city or town disposing of all or any part of its assets shall, within sixty (60) days after the date of the first of such transfers, file a certified copy of its resolution of dissolution in the office of the Secretary of State of Wyoming, together with a true and correct verified statement of the mayor, president of the council, or clerk of the governing body, or of the chairman or mayor of the last governing body, setting forth the nature, description and extent of the assets, the date or dates on which transfers were made, the recipient of the assets, a certified copy of the census, and all proper instruments of conveyance necessary to transfer the remainder of the assets, if any, to the State of Wyoming.

**Certificate of Dissolution**

**Section 116.** The Secretary of State shall thereafter issue and return to the mayor, president of the council, or clerk or chairman of the former governing body a certificate of dissolution, together with a certified copy thereof which the mayor, president of the council, clerk or chairman of the former governing body shall file in the office of the county clerk of the county in which the city or town was situated.

**Date of Dissolution**

**Section 117.** The municipal corporate status shall be dissolved upon the date of issuance of a certificate of dissolution by the Secretary of State if a certified copy of the certificate is filed in the office of the county clerk of the county in which the municipality was situated, within ten (10) days after that date, otherwise the date of dissolution shall be the date upon which the certified copy of the certificate of dissolution is filed in the proper county office.

**Presumption of Regularity**

**Section 118.** When the certified copy of the certificate of dissolution is filed, it shall be presumed that all disposition of the municipal corporate assets were made in substantial compliance with this article. All other assets belonging to the city or town not described in the statement or instrument of conveyance filed with the Secretary of State shall escheat to the State of Wyoming, in the manner and for the uses and purposes provided by law.

**CHAPTER 2.****INCORPORATED TOWNS.****ARTICLE 1. Organization, Officers, Employees.****Organization**

**Section 119.** The governing body when organized is a body corporate and politic, with perpetual succession to be known by the

name designated and is capable of suing and being sued, of pleading and being impleaded in all courts and places.

### **Municipal Officers**

**Section 120.** The municipal officers of a town shall be a mayor and four councilmen, all of whom shall be elected. The clerk, treasurer, and marshal shall be appointed and may be removed by the mayor according to conditions fixed by the governing body. All other appointments and removals shall be in a manner determined by the governing body pursuant to the general powers granted cities and towns.

### **Term of Officers Following First Election**

**Section 121.** The officers first elected shall hold their offices until the second Tuesday in May following their elections, and those subsequently elected shall hold their respective offices for a period of two years following their election, and until their successors are elected and qualified. However, of the four councilmen first elected, two shall hold their offices for a period of two years following their election, and two for a period of four years following their election. At the first meeting of the governing body it shall be decided by lot which of the four councilmen shall hold office for the long term. At each subsequent election two councilmen shall be elected whose term of office shall be for a period of four years, and until their successors are elected and qualified.

### **Term of Mayor and Councilmen**

**Section 122.** In every town, not operating under the commission or city manager form of government, the term of office of the mayor is two years, and of the councilmen four years.

### **Salaries of Officers**

**Section 123.** Consistent with the town's ability to pay, the governing body shall fix the salaries for the mayor and councilmen in towns not operating under the commission or city manager form of government. The salary for mayor shall be paid in twelve or more installments and may not exceed the maximum of \$4,800.00 per year. The salary for each councilman shall not exceed the maximum of \$10.00 for actual attendance at each regular or special meeting. All appointed officers shall receive the salary or compensation as provided by law or ordinance.

### **Notification of Election or Appointment; Oath**

**Section 124.** The town clerk shall, within five days after the result of the election is declared or any appointment made, notify all persons elected or appointed. Each officer elected or appointed shall, within five days after notice, take and subscribe before some authorized person the oath required of county officers with any additions prescribed by ordinance for the faithful performance of the duties of his office. He shall file the oath with the clerk of the town, and unless the oath is taken and filed within the prescribed time, the office shall be declared vacant.

**ARTICLE 2. Elections and Nominations.****Elections**

**Section 125.** All elections of officers, after the first election, shall be held on the second Tuesday in May at a place designated by the governing body. At the first and all subsequent elections the polls shall be opened at nine o'clock in the forenoon and closed at seven o'clock in the afternoon.

**Qualified Electors; Duties of Clerks**

**Section 126.** All persons whose registration for voting is in force in accordance with the laws of this state, and who reside within the corporate limits of a town are entitled to vote at all town elections in the precinct in which they are registered. All other qualified electors in the precinct in which they offer to vote who reside within the corporate limits of the town, are entitled to vote in that precinct by taking and subscribing, at the time they offer to vote, the "oath of applicant" prescribed by section 22-158, Wyoming Statutes, 1957, as amended. No other registration is required. The clerk of election has the power to administer the oath. However, the law regarding challenges at such elections is not hereby abridged, except as modified. The town clerk shall post at least one copy of the registry list furnished him by the county clerk, in each voting precinct, and shall have prepared and on file in his office not less than three (3) days before such elections, at least one copy of the registry list for each voting precinct open to public inspection. The mayor of the town, by and with the advice of the governing body, may appoint one or more clerks of election for each voting precinct, in addition to the number now provided by law, for the purpose of facilitating registration on the day of the election who have the same power as other clerks of election.

**Ballots**

**Section 127.** The town clerk shall provide for each election precinct within the town as many ballots as there are registered voters in the precinct plus twenty-five per cent (25%), and if there is no registry in the precinct, the clerk shall provide as many ballots as there were persons who voted in the last preceding general election in the precinct plus twenty-five per cent (25%).

**Conduct of Elections**

**Section 128.** Except as otherwise provided in this chapter, the manner of conducting the voting at all town elections shall be the same as in the election of county officers under the general laws of this state. At all elections held after the first election, a board of three persons appointed by the governing body from among the qualified electors of the town shall be inspectors of elections. The inspectors of elections shall appoint clerks when necessary and fill vacancies on their own board. The inspectors and clerks shall take the same oaths and have the same powers and authority as the judges and clerks of elections have under the general laws of the state. After the close of the polls the ballots shall be counted and the returns made

out and returned, under seal, to the town clerk. The governing body shall examine and canvass the returns, declare the result of the election and cause a statement thereof to be entered upon the journal. In case of a tie vote in the election of any town officer, it shall be determined by lot, in the presence of the governing body, in the manner they direct, which candidate is entitled to office.

#### **Notice of Elections**

**Section 129.** The town clerk shall give at least ten (10) days' notice in writing, by posting the notice in at least three public places in the town, of the time and place of holding all elections.

### **ARTICLE 3. Primary Convention for Towns.**

#### **Convention, Primary Meeting Defined; Authority**

**Section 130.** A convention or primary meeting for the purpose of this article is an organized assemblage of electors of a town, called and assembled to select nominees to elective office within the town.

#### **Authority to Nominate**

**Section 131.** Candidates for elective office within a town may be nominated at the convention or primary meeting, or by the number of qualified electors of the town as provided in this article.

#### **Certificates of Nominees**

**Section 132.** In addition to the two nominating methods provided in Section 131, a candidate for public office in a town may be nominated in the following manner: A certificate of the nomination containing the name of the person nominated; his residence; his business; the office for which he is nominated and the name of the party or principle which the candidate and those nominating him represent, expressed in one word entirely different from the name of any political party making nominations voted for at the last preceding general election, shall be signed by not less than ten qualified electors of the town for which the officer is to be elected. The signatures need not all be appended to one paper, but each elector signing the certificate shall add to his signature his place of residence and his occupation. The certificate may be filed as a certificate of nomination made by a party convention or primary meeting.

#### **Issuance; Filing of Certificate**

**Section 133.** All nominations made by a convention or primary meeting shall be certified as follows: The certificate of nomination shall be in writing, and contain the name of each person nominated; his residence; his business, and the office for which he is nominated, and shall designate the name of the party or principle which the candidate and those nominating him represent, expressed in one word entirely different from the name of any political party making nominations voted for at the last preceding general election. The certificate shall be signed by the chairman and secretary of the convention or primary meeting, who shall add to their signatures their



respective places of residence, and make oath before a qualified officer that they were the officers of the convention or primary meeting, and that the statements contained in the certificate are true to the best of their knowledge and belief. The oath shall be acknowledged and signed by the officer before whom it was made. When the certificates are made out they shall be delivered to the town clerk, and be filed by the clerk in his office.

#### **Time for Filing**

**Section 134.** Certificates for the nomination of candidates shall be filed with the clerk of the town not more than thirty (30) days and not less than ten (10) days before the day of election.

#### **Dual Nomination**

**Section 135.** No certificate of nomination may contain the name of more than one candidate for each office to be filled, and if it does it is void. No person may join in nominating more than one person for the same office and if he does, his name shall not be counted upon either certificate. Whenever any person receives two or more nominations for the same office, he shall be deemed to have accepted the nomination first made and to have declined the other unless, within the time limited for filing certificates of nomination, he files with the town clerk, a written statement, signed and sworn to by him, designating which nomination he desires to accept, and he shall be deemed to have declined the other nominations.

#### **Signer Verifies Certificate**

**Section 136.** One of the signers of each separate certificate of nomination shall swear that the statements therein contained are true to the best of his knowledge and belief, and the oath shall be annexed to the certificate of nomination.

#### **Preservation, Inspection of Certificates**

**Section 137.** The town clerk shall preserve in his office for one year all certificates of nomination filed with him. All certificates of nomination are open to public inspection under regulations made by the town clerk.

#### **Publication of Notice**

**Section 138.** At least three days before the election the town clerk shall publish in one or more newspapers within the town, if there be any, the nominations of office as shown by the certificates of nomination filed in his office. The town clerk shall make such publications daily until the election in the towns where daily papers are published, but, if no daily papers are published within the town, one publication in each newspaper, if there be any, shall be sufficient. The publication shall be made in each newspaper on the last day the newspaper is issued before the election. If no newspapers are published in the town, the town clerk shall post the notices at not less than five conspicuous places within the town at least ten days before the election, if possible.

**Declination**

**Section 139.** Whenever any person nominated for municipal office, at least five days before election, files a statement signed by him and acknowledged before a qualified officer notifying the town clerk that he declines the nomination, the nomination is void.

**Vacancies; Filling by Convention or Primary Meeting**

**Section 140.** A vacancy occurring in any nomination made by a party convention or primary meeting can be filled by a subsequent convention or primary meeting of that party, or by a committee to which power has been delegated, but cannot be filled in any other manner.

**Vacancy Before Ballots Printed**

**Section 141.** If any nominee dies before the printing of the ballots, or declines the nomination or if any certificate of nomination is insufficient or inoperative from any cause, the vacancy or vacancies may be filled in the manner required for original nominations.

**Committee Procedure**

**Section 142.** If the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, the committee may proceed to fill a vacancy when it occurs. The chairman and secretary of the committee shall file with the town clerk a certificate setting forth the cause of the vacancy, the name of the person to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as required in an original certificate of nomination. The certificate shall be executed in the same manner and have the same effect as an original certificate of nomination.

**New Nominee Placed on Ballot**

**Section 143.** When the certificate is filed with the town clerk he shall substitute the name of the person or persons nominated to fill a vacancy in place of that of the original nominee in the published or posted notice of nominees.

**Vacancy After Ballots Printed**

**Section 144.** When any vacancy occurs before election day and after printing the ballots, and any person is nominated to fill the vacancy, the town clerk shall have printed the necessary number of stickers and deliver them to the judges of election in the various precincts interested in such election. The judges of election whose duty it is to distribute the ballots shall affix the stickers in the proper place on each ballot before it is given out to the elector.

**Stickers**

**Section 145.** A sticker is a strip or piece of paper bearing on one side the printed or written name or names of a candidate and on the other side an adhesive substance.

**Convention Call**

**Section 146.** Any convention or primary meeting may be called by written or printed notice specifying that it is to be held in accordance with the provisions of this article, and its provisions shall then apply to the conduct and proceedings of such meeting.

**Temporary Chairman**

**Section 147.** The call for the meeting shall designate by name the person who will call the meeting to order, and preside until a chairman is chosen. If the person so designated is absent at the time appointed, the meeting may choose a temporary chairman to act in his place. The choice of a chairman, clerk and such other officers as the meeting may require, shall be the first order of business.

**Request for Balloting**

**Section 148.** A ballot shall be taken for the choice of any candidate to be selected by such meeting. If five or more of the persons presented and entitled to vote so request in writing; and in case of such written request, a ballot shall be taken for the choice of the chairman of the meeting unless the meeting votes to dispense with the ballot. The written request may be presented to the presiding officer for the time being, by motion or otherwise at any time, before a choice of officers to which it relates is effective.

**Illegal Votes; Penalty**

**Section 149.** Whoever votes at any convention or primary meeting for the nomination of any candidate when he is not a qualified elector of the town; or whoever is a qualified elector, but not included in the terms of the call under which such meetings are held who votes; or votes or attempts to vote under any name not his own; or votes or attempts to vote more than once at one balloting; or knowingly casts or attempts to cast more than one ballot at one time of balloting or more than the number of separate ballots allowed to each voter if more than one ballot is allowed to be cast; or gives or offers to give, directly or indirectly, to any voter or any person who votes at the meeting anything of value or any reward or promise of reward to influence the vote or ballot of that voter; or receives anything of value as a reward for his vote or ballot or influence at any such meeting; or makes any false oath upon being challenged is guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50), or imprisoned in the county jail not more than three months, or both.

**Challenges**

**Section 150.** Any person offering to vote at any such meeting may be challenged by any person present as to whether he is a qualified elector within the town or precinct holding the meeting. Before the party challenged may vote he shall make a sworn statement before the presiding officer of the meeting showing his place of residence and that it is within the proper town or precinct. If he refuses to make the sworn statement, his vote shall not be received.

**Ballot Tampering; Penalty**

**Section 151.** Any officer appointed and acting at the meeting, who knowingly makes a false count of ballots or votes, or makes a false statement or declaration of the result of a ballot or vote, or knowingly refuses to receive any ballot cast by any person qualified to vote, or wilfully alters, defaces or destroys any ballots cast or check lists used, before the requirements of this article have been accomplished, or declines or fails to perform any written request made as required, or declines or fails to perform any duty or obligation is guilty of a misdemeanor and shall be punished by fine not exceeding fifty dollars (\$50) or by imprisonment in the county jail not exceeding three months, or both.

**Clerk to Guard Ballots**

**Section 152.** The clerk chosen at the meeting shall, when requested in writing, by five voters entitled to vote safely keep all ballots cast and check lists used for a period of three months, and produce them if called for by any court.

**Regulations Permitted**

**Section 153.** Nothing herein shall prevent the enforcement at such meeting of further regulations not inconsistent with the provisions of this article.

**ARTICLE 4. Finances and Claims Against Towns****Fiscal Year; Appropriations**

**Section 154.** The fiscal year of each town begins on the first day of May in each year or at such other time fixed by ordinance. The governing body shall, within the last quarter of each fiscal year, pass an annual appropriation ordinance for the next fiscal year, in which it may appropriate an amount of money necessary to defray all expenses and liabilities of the town. The ordinance shall specify the objects and purposes for which the appropriations are made and the amount appropriated for each object or purpose. No further appropriation may be made at any other time within the fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the qualified electors of such town, either by a petition signed by them or at a general or special election duly called for that purpose. The total amount appropriated shall not exceed the probable amount of revenue that will be collected during the fiscal year.

**Expenditures Limited**

**Section 155.** Neither the governing body nor any officer of the town may add to its expenditures in any one year anything in excess of the amount provided for in the annual appropriation ordinance of that year, except as otherwise specifically provided. No expenditure for an improvement to be paid out of the general fund of the town may exceed in any one year the amount provided for that improvement in the annual appropriation ordinance. However,

the governing body may, by a four-fifths vote, order any improvement, the necessity for which is caused by any casualty or accident happening after the annual appropriation is made.

#### **Expenditure Absent Appropriation**

**Section 156.** No contract may be made by the governing body or any committee or member thereof, and no expense may be incurred by any of the officers of the town, whether or not the object of the expenditure has been ordered by the governing body, unless an appropriation has been previously made concerning that expense.

#### **First Year Exempted**

**Section 157.** The provisions of the last three preceding sections do not apply to towns during the first year of their corporate existence.

#### **Presentation and Payment of Claims**

**Section 158.** All claims and demands against any town shall be presented to the governing body in writing, with a full account of the items, and verified by the oath of the claimant or his agent, showing that the claim is correct, reasonable and just. No claim or demand may be audited or allowed unless presented and verified as provided in this section. Upon the allowance of any claim or demand the clerk shall draw a warrant upon the treasurer for the correct amount. The warrant shall be signed by the mayor and attested by the clerk with the corporate seal and upon presentation to the treasurer shall pay the warrant. If there is not sufficient money in the treasury he shall endorse thereon that it has been presented for payment, stating the date, and has not been paid for want of funds. Thereafter, the warrant shall draw interest at the rate of eight per cent (8%) per year.

#### **Treasurer's Accounts**

**Section 159.** The treasurer of the town shall keep his accounts so as to show when and from what sources all moneys paid to him have been derived, and to whom and when such moneys or any part thereof have been paid out. His books, accounts, and vouchers are at all times subject to examination by the governing body or any elector of the town. It is the duty of the governing body to examine the books at regular meetings on some day between the first and last Mondays of March of each year, and settle with the treasurer.

#### **Publication of Treasurer's Report**

**Section 160.** Immediately after the annual settlement with the treasurer, the governing body shall publish in a newspaper, if one is published in the town, or if there is none, then by posting in three or more public places an exhibit of the receipts and expenditures, specifying the sources of all receipts, and what appropriations were made, for what objects, and the specific amount of each.

**CHAPTER 3.****FIRST CLASS CITIES.****ARTICLE I. Organization.****Population; Proclamation; Reorganization, etc.**

**Section 161.** When any city or town attains a population of more than 4,000 inhabitants, and that fact is duly ascertained, and certified to the governor by the mayor of the city or town attested by its seal, the governor shall declare by public proclamation, the city or town to be a city of the first class. The proclamation of the governor shall be published by the city for three consecutive weeks in a newspaper of general circulation in the city. A certified copy of the proclamation shall be recorded in the office of the county clerk of the county in which the city is situated. The record of the proclamation shall be received as evidence of the organization and corporate existence of the city as a city of the first class in any court within the state of Wyoming.

**Corporate Name**

**Section 162.** The corporate name of each first class city shall be the City of ....., and by that name have perpetual succession. All process whatever affecting any such city shall be served upon the mayor or acting mayor, or, in the absence of both from the city, then upon the city clerk.

**Rights, Privileges, Debts, etc., to Remain in Effect**

**Section 163.** No right of property accrued to any city or town, corporation, or person, under any law previously in force is affected by a city or town becoming a first class city, and all ordinances not in conflict with this chapter shall continue in force until amended or repealed by the governing body. When any city or town becomes a first class city, all its trusts, rights and privileges are transmitted to and vested in the latter corporation, and all indebtedness, bonded or otherwise, becomes the indebtedness of the latter corporation without any express act on its part. All actions commenced by or against any city or town which becomes a first class city shall be continued to final judgment and satisfaction, as if its status had not changed.

**Wards**

**Section 164.** Every first class city shall be divided into not less than three (3) wards, as compact in form and equal in proportion as may be. No ward may contain less than one thousand (1,000) inhabitants, the boundaries of which shall be defined by ordinance.

**Existing Government; Division into Wards**

**Section 165.** The government of the city shall continue in authority until the reorganization, which shall be effected by the holding of a regular election under the provisions of this chapter. The gov-

erning body shall divide the city into not less than three wards, to take effect prior to the election.

## ARTICLE 2. Elections.

### General City Election

**Section 166.** The general city election in all cities governed by this chapter shall be held on the Tuesday following the first Monday in November of each even numbered year, commencing with the year 1964. A general city election shall be held in all cities governed by this chapter on the Tuesday following the first Monday in November of 1963, but not thereafter on the odd numbered years. The polls shall be opened in places designated by the mayor or fixed by ordinance and remain open during the hours provided in the general election laws. The city clerk shall certify to the county clerk the list of nominations for city election and the names of the candidates for city officers shall be printed upon the same ballot provided by the county for the election of state and county officers. The city shall pay its pro rata share of the cost of printing and preparing the ballots. The election shall be made to the city clerk within the time limited to nominations for county officers being certified to the county clerk of the county. The judges and clerks of elections in the precincts within the city appointed for the purpose of conducting the election for state and county officers, shall also conduct the election for city officers. The election for city officers shall be canvassed in the same manner as the election for county officers. The county clerk for the county shall certify to the city clerk the result of the canvass, and the city clerk shall issue to the officers elected, proper certificates of their election. The governing body of any city to which this article applies is not required to designate judges or clerks of their election or polling places when the city election is held at the same time and place as the election for the county and state officers. In that event, the polling places within the city shall be the same as those used for the election of state or county officers. When the election for city officers in any city to which this article applies occurs at the same time as state and county elections, it is not necessary for any registration of voters other than that provided by law for the registration of voters for state and county elections, but only duly qualified electors residing within the city may vote for city officers. When the city elections are held at the same time as state and county elections, and there are voters qualified to vote for state and county officers, but not for city officers, the judges of election shall furnish to those voters a ballot not containing the names of the candidates for city offices. The judges of such precincts shall be furnished by the county clerk a reasonable number of ballots not containing the names of candidates for city offices.

### Election of Mayor and Councilmen

**Section 167. (a)** At the first election of any city under the provisions of this chapter a mayor shall be elected by a plurality of votes for the term of four years. In each ward of the city, as created and bounded under the provisions of this chapter, not less than two nor more than three councilmen shall be elected for terms as follows:

(1) In case two councilmen are elected from each ward one councilman shall be elected for a term of two years and one councilman shall be elected for a term of four years.

(2) In case three councilmen are elected from each ward one councilman shall be elected for a term of two years and two councilmen shall be elected for terms of four years.

(b) After the first election, councilmen shall be elected biennially, for terms of four years, with the same number of councilmen being elected at each biennial election as there are councilmen whose terms of office expire within each ward.

(c) The number of councilmen to be elected from each ward shall be fixed by the governing body when they provide for the number of wards in the city. However, the terms of all officers then in office and whose terms are unexpired, shall hold their offices until the first Monday in January following the first election held under the provisions of this article, and the terms of all elective officers shall commence on the first Monday in January after their election and continue until their successors are elected and qualified.

#### **Election Qualifications; Canvass of Returns**

**Section 168.** The qualifications of electors in the wards of a city shall be the same as required for electors under the laws of the state. All electors shall be actual residents in the ward in which they shall vote. At a meeting of the governing body on the first Friday in December after any city election, the returns shall be canvassed and they shall cause the clerk to make out and deliver certificates of election to the persons elected.

#### **Special Elections**

**Section 169.** Special elections may be held in any first class city for all purposes authorized by law or the constitution of the state, by proper notice given by the mayor, duly authorized by the governing body, for at least ten (10) days before a special election, by publishing the notice in at least one newspaper of general circulation in the city. In such elections, all persons whose registration for voting is in force in accordance with the laws of this state, and who reside within the corporate limits are entitled to vote in the precinct in which they are registered. All other persons who are duly qualified electors in the precinct in which they offer to vote, and who reside within the corporate limits, shall be permitted to vote in their precinct by taking and subscribing, at the time they shall offer to vote, the "Oath of Applicant to Register" prescribed by section 22-158, Wyoming Statutes, 1957, as amended, and the clerk of election may administer the oath. The law in reference to challenge at elections is not hereby abridged, except as modified. The city clerk of the city shall post at least one copy of the registry list as furnished him by the county clerk, in each voting precinct, and shall cause to be prepared, and have on file in his office at least three (3) days before the election, at least one copy of the registry list for each voting precinct. The lists are open to public inspection. The mayor of the city by and with the advice of the governing body, may appoint one



or more clerks of election, for each voting precinct, in addition to the number now provided by law, for the purpose of facilitating registration on the day of the elections. Those clerks have the same power as other clerks of election.

### **ARTICLE 3. Governing Body, Officers, and Employees.**

#### **Veto Power of Mayor**

**Section 170.** The mayor is entitled to sign or veto any ordinance passed by the governing body, and to sign or veto any order, by-law, resolution, award or vote to enter into any contract, or the allowance of any claim. Any ordinance, order, by-law, resolution, award or vote to enter into any contract or the allowance of any claim, vetoed by the mayor, may be passed over his veto by a vote of two-thirds of all the members elected to the council. Should the mayor neglect or refuse to sign any ordinance and refuse to return it with his objections in writing at the next regular meeting of the governing body, it shall become a law without his signature. The mayor may veto any item or items of any appropriation ordinance and approve the remainder thereof, and the items vetoed may be passed over the veto as in other cases.

#### **Mayor's Message; Jurisdiction**

**Section 171.** The mayor shall, from time to time, communicate to the governing body such information and recommend such measures as in his opinion may tend to improve the finances of the city, the police, health, comfort and general prosperity of the city. The mayor has such jurisdiction as may be vested in him by ordinance, over all places within five miles of the corporate limits of the city, for the enforcement of health, or quarantine ordinance, and regulation thereof, and has jurisdiction in all matters vested in him by ordinance, excepting taxation, within one-half mile of the corporate limits of the city.

#### **Election, Powers, and Duties of Council President**

**Section 172.** The governing body may elect one of their number to be styled the "president of the governing body" who shall preside at all meetings of the governing body in the absence of the mayor. If the office of Mayor becomes vacant, he shall occupy the office until the vacancy is filled. In the absence of the president, the governing body may elect one councilman to occupy his place temporarily, and who shall be styled "acting-president." The president and acting president, when occupying the place of the mayor, may exercise all of the powers of that office, and have the same privileges as other members of the governing body. All acts of the president or acting president, while so acting, shall be as binding upon the council and upon the city, as if done by the mayor.

#### **Appointive Officers**

**Section 173.** The clerk, treasurer, engineer, attorney, fire chief, police chief, policemen, and police justices shall be appointed and may be removed by the mayor according to conditions fixed by the

governing body. All other appointments and removals shall be in a manner determined by the governing body pursuant to the general powers granted cities and towns. The mayor shall have power to remove any officer appointed under this act, for incompetency or neglect of duty.

#### **Oath of Mayor, Councilmen, and Officers**

**Section 174.** The mayor, councilmen and other officers elected or appointed shall within forty days after their election or appointment, and in all cases before entering upon the discharge of their duties, take and subscribe before some person authorized to administer oaths, the usual oath or affirmation for the faithful performance of the duties of their respective offices. The oath shall be filed with the city clerk before any officer enters upon the discharge of his duties. However, the oath of the city clerk shall be filed with the city treasurer. The neglect or failure of any officer to take, subscribe or file the oath shall be deemed a refusal to accept the office, and in such case a vacancy shall exist in the office.

#### **Salaries of Officers**

**Section 175.** (a) The salaries of all officers shall be fixed by ordinance, but shall not be less than the following amounts per year: The mayor, six hundred dollars (\$600.00); the treasurer, two thousand and four hundred dollars (\$2,400.00); the clerk, two thousand four hundred dollars (\$2,400.00); the water commissioner, two thousand four hundred dollars (\$2,400.00); each councilman, ten dollars (\$10.00) for actual attendance at each regular or special meeting of the governing body or attendance upon any committee meeting. Each police justice, six hundred dollars (\$600.00) per year.

(b) The foregoing are minimum limitations of fixed salaries. All other officers of the city shall receive the compensation fixed by ordinance except as otherwise provided by law.

#### **Interest in Contracts; Extra Pay; Exception**

**Section 176.** No officer of any city may be interested directly or indirectly, in any contract to which the corporation or anyone for its benefit, is a party. Any interest in any such contract voids the obligation on the part of the corporation. No officer may receive any pay or perquisites from the city other than his salary for any work coming within the scope of his duties, as provided by ordinance and the law. The governing body shall not pay or appropriate any money or other valuable thing to any person not an officer, for the performance of any act, service or duty, the doing or performance of which is within the proper scope of the duties of any officer of the city, unless specially appropriated and ordered by a vote of three-fourths of all members elected to the governing body.

#### **Qualification; Bond**

**Section 177.** All officers shall be qualified electors of the city, entitled to vote at all elections therein. Each officer shall give bond in such amount and upon such conditions as provided by ordinance.

**Treasurer; Duties, Bond and Office**

**Section 178.** The treasurer is the custodian of all money belonging to the city and shall give bond in double the sum of money estimated by the governing body to be at any time in his hands. He shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto; give every person paying money into the treasury a receipt specifying date of payment, and on what account paid; and shall file copies of all receipts, except tax receipts, with his reports. At the end of each quarter and as often as may be required, he shall render an account to the governing body, under oath, showing the state of the treasury at the date of the account, and the amount of money remaining in each fund, the amount paid therefrom, and the balance of money in the treasury. He shall accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him. The warrants, with any and all vouchers held by him, shall be filed with his account in the clerk's office. If the treasurer neglects or fails within ten days from the end of each quarter to render his account, his office may, by resolution of the governing body, be declared vacant, and the mayor, by and with the consent of the governing body shall fill the vacancy by appointment until the next election for city officers.

**Treasurer; Books**

**Section 179.** The city treasurer shall receive all moneys belonging to the city, and the clerk and treasurer shall keep their books and accounts in the manner prescribed by the governing body. The treasurer shall keep a daily cash book which shall be footed and balanced daily. The books and accounts are always subject to inspection by the mayor, councilmen, and other persons designated by law.

**Treasurer; Handling Public Money; Removal**

**Sectoin 180.** The treasurer shall keep all moneys belonging to the city separate and distinct from his own, and he shall not, either directly or indirectly, use the corporation money or warrants in his custody for his own use and benefit, or that of any other person or persons. Any violation of this provision shall subject him to immediate removal from his office by the governing body which may declare the office vacant, and the mayor, with the consent of the governing body, shall appoint a successor, to hold office for the remainder of the unexpired term.

**Treasurer; Annual Report; Register of Warrants**

**Section 181.** The treasurer shall also report to the governing body annually, at a time prescribed by ordinance, a full and detailed account of all receipts and expenditures during the preceding fiscal year, and the state of the treasury, showing the indebtedness of the city. He shall keep a register of all warrants redeemed and paid during the year, describing such warrants, their date, amount, number, the fund from which paid, and person to whom paid, and specifying the time of payment. All warrants shall be examined by the finance committee at the time of making the annual report.

**When Cost Estimate to be Made by City Engineer**

**Section 182.** The city engineer shall make records of all work done for the city, and such other records as required by the governing body, which shall be public records, belong to the city, and be turned over to his successor. Before the governing body makes any contract for building waterworks, or any part thereof, or any sewers, bridges or work on the streets, or any other work or improvement to cost over two hundred dollars (\$200.00), an estimate of the cost shall be made by the engineer, and submitted to the governing body. The city may employ other engineers or assistants for any work or labor for the city, either within or without the city limits. No work or labor of the city engineer, done for the city outside the limits of said city, may be construed to be within the scope of his duties as city engineer, unless expressly so provided by ordinance.

**Change of Emoluments of Officers During Term**

**Section 183.** The emoluments of any elective officer shall not be increased or diminished during the term for which he was elected. No person who has resigned or vacated any office is eligible to the same office during the time for which he was elected or appointed, when during the same time the emoluments have been increased.

**ARTICLE 4. Finances.****Taxes Payable in Money; Use of Moneys Collected**

**Section 184.** All taxes levied for the purpose of raising money to pay for interest, or to create a sinking fund for the payment of the principal of any funded or bonded debt of the city, shall be payable in money only, and except as otherwise expressly provided, no moneys so obtained may be used for any other purpose than the payment of the interest or debt for which they have been raised. The sinking fund may, under the direction of the governing body, be invested in any of the under-due bonds issued by the city if they can be secured by the treasurer at the rate or premium prescribed by ordinance. Any due or overdue bond or coupon is sufficient warrant or order for its payment by the treasurer out of any funds specifically created for that purpose, without any further order or allowance by the mayor or governing body.

**Appropriations; Excess Obligation Exceptions**

**Section 185.** The governing body shall make the appropriation for all the different expenditures of the city government for each fiscal year at or before the beginning thereof, and it is unlawful for it, or any other officer, agent or employee of the city to issue any warrant, enter into any contract, or appropriate any money in excess of the amount appropriated for the different expenses of the city during the year from which the appropriation is made. However, the governing body may, by a two-thirds vote, order the repair or restoration of any improvement, the necessity of which is caused by any casualty or accident happening after the annual appropriation is made, or by a like vote make necessary appropriations for quarantine, hospital purposes, for enforcing the law and ordinances of the city,

and to protect the property of the city. The governing body may, by a like vote, order the mayor to borrow a sufficient sum to provide for the expense incurred in making any repairs or restoration of improvements for a time not to exceed the next fiscal year. That sum and the interest, shall be added to the amount authorized to be raised by the next general levy. All appropriations shall be by ordinance. Nothing shall prevent a city from anticipating its revenue for the year for which an appropriation is made.

#### **Funds Held by County Treasurer**

**Section 186.** The treasurer of the county shall pay over on demand to the treasurer of any city, all moneys received by him and belonging to the city.

#### **Warrants**

**Section 187.** Upon the allowance of claims the order for payment shall specify the particular fund, or appropriation out of which they are payable as specified in the annual appropriation bill. No claim may be audited or allowed except an order or warrant for the payment thereof may be legally drawn. All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which chargeable, the person to whom payable, and for what particular object. No money may be otherwise paid except upon warrants so drawn.

#### **Diversion of Funds Prohibited; Exception**

**Section 188.** Every fund shall be strictly devoted to the purpose for which it was created, and may not be diverted therefrom, except by vote of two-thirds of the members of the governing body.

#### **Special Funds**

**Section 189.** All moneys received in any special assessment shall be held by the treasurer, as a special fund to be applied to the payment of the improvement for which the assessment was made and for no other purpose.

#### **Financial Statements to be Published**

**Section 190.** The governing body shall cause to be published, semi-annually, a statement of the financial condition of the city.

#### **Disposition of Water Rents**

**Section 191.** All water rents collected, except the amount required to pay the expenses of maintaining, extending and improving the water system of the city, shall be applied only to the payment of the principal and interest of the outstanding water bonds until full payment thereof.

### **ARTICLE 5. Actions and Claims Involving Cities.**

#### **Proof of Corporate Existence**

**Section 192.** When any suit is instituted by or against any city under the law governing cities of the first class, in any of the courts

of this state, the city is not required to show its compliance with the provisions of the laws governing cities of the first class, as to its organization or the passage, adoption, or publication of its ordinances, unless they are controverted by affidavit.

#### **Actions for Penalties or Fines**

**Section 193.** All actions brought to recover any penalty or fine shall be brought in the corporate name of the city and the recoveries, when collected, shall be paid into the treasury of the city. The process in every such action shall be a warrant, and the person named in the warrant shall be arrested forthwith and taken before the police justice for trial.

#### **Copy of Ordinances or Laws Need Not Accompany Complaint**

**Section 194.** In actions brought to recover a penalty or fine under any law pertaining to cities of the first class, it is not necessary to file with the affidavit or complaint a copy of the ordinances or by-laws or sections alleged to have been violated. It is sufficient to state in plain and concise language the act complained of and to recite in the affidavit or complaint the number of the section of the ordinance alleged to have been violated, with the date of the passage or adoption of that section.

#### **Liability for Defective Ways or Sidewalks**

**Section 195.** Cities of the first class are absolutely exempt from liability for damages or injuries suffered or sustained by reason of defective public ways or sidewalks within the corporate limits, unless actual notice in writing of the defect of such public way or sidewalk has been filed with the city clerk at least five days before the occurrence of the injury or damage. In the absence of the notice, so filed, the city is not liable, and in all cases the notice shall describe with particularity the place and nature of the defects of which complaint is made.

#### **Claims**

**Section 196.** All claims against a city must be presented in writing with a full account of the items, verified by the oath of the claimant or his agent or attorney, that the same is correct, reasonable and just. No claim may be audited, or allowed, unless presented and verified as provided in this section, and no suit may be instituted against a city or any claim unless it has been first presented to the governing body and a reasonable time given to act upon the claim.

### **CHAPTER 4.**

#### **ALTERNATIVE FORMS OF GOVERNMENT**

##### **ARTICLE 1. Commission Government**

#### **Adoption**

**Section 197.** Any city or town may adopt this form of government in the manner provided in chapter 1, article 4.

**Elections; Date; Terms; Officers**

**Section 198.** (a) A regular municipal election shall be held on the first Tuesday after the first Monday in November in the first odd numbered year after the adoption of the provisions of this article and in every second year thereafter, to elect a mayor and a commissioner of finances and public property and a commissioner of streets and public improvements, each of whom shall serve for the term of two years.

(b) However, the terms of the mayor and commissioners may be increased to four years, provided an ordinance is passed by the governing body and approved by a majority of the votes cast at a regular general municipal election. The ordinance shall be submitted for approval on a ballot with the names of the candidates voted on at the election. Four year terms shall become effective with the mayor and commissioners who are elected at the next regular municipal election following the election at which the ordinance was approved. If the ordinance submitted for approval fails to receive a majority of the votes cast, it shall not again be proposed and submitted before the regular municipal election held six years thereafter.

**Primary Elections**

**Section 199.** (a) Candidates for mayor and commissioners to be elected under the provisions of this article shall be nominated by a primary election. No other names may be placed upon the general ballot except those selected in the manner prescribed. The primary election for nomination shall be held on the second Tuesday preceding the municipal election. All primary elections shall be called by a proclamation of the mayor, stating the time and the offices for which candidates are to be nominated. The proclamation shall be published twice in some newspaper published in the city or town, and the first publication of the notice shall be at least thirty (30) and not more than forty (40) days prior to the primary election. Where there are no newspapers, the clerk shall post the notices continuously for the same period in his office. The judges of election appointed for the municipal election shall be the judges of the primary election, and it shall be held at the same place, so far as possible, and the polls shall be opened and closed at the same hours, with the same clerks as are required for a municipal election.

(b) Any person desiring to become a candidate for mayor or for the office of commissioner of finances and public property, or the office of commissioner of streets and public improvements shall, at least fifteen (15) days prior to the primary election, file with the city clerk a statement of his candidacy, in substantially the following form, and specifying therein the particular office for which he is a candidate:

State of Wyoming ..... County, ss.

I, ....., being first duly sworn, say that I reside at ..... Street, City (Town) of ....., County of ....., State of Wyoming; that I am a qualified voter therein, that I am a candidate for nomination to the office of (mayor or

commissioner of finances and public property, or commissioner of streets and public improvements) to be voted upon at the primary election to be held on the ..... Tuesday of ....., 19....., and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed) .....

Subscribed and sworn to (or affirmed) before me by ..... on this ..... Day of ..... 19..... (Signed) ..... and shall at the same time file the petition of at least twenty-five qualified electors of the city requesting his candidacy. The petition shall be in substantially the following form:

**"PETITION ACCOMPANYING NOMINATING STATEMENT"**

The undersigned, duly qualified electors of the City (Town) of ..... and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination for (name of office) at the primary election to be held in such city on the ..... Tuesday of ....., 19..... We further state that we know him to be a qualified elector of said city and a man of good moral character and qualified in our judgment for the duties of such office.

Names of Qualified Electors	Age	Length of Residence	Street	Number
.....	.....	.....	.....	.....

(c) Immediately upon the expiration of the time of filing the statements and petitions of candidates, the city clerk shall publish all the names of the persons nominated in proper form, specifying the particular office for which each candidate has filed his petition, as they are to appear upon the primary ballot in three successive issues of all the daily newspapers published in the city or town. Where there are no newspapers the clerk shall post notices continuously for the same period in his office. Not less than ten (10) days before the primary election any candidate may withdraw by filing with the city clerk a statement to that effect signed and sworn by him. The clerk shall have the primary ballots printed ten (10) days before the primary election. The names of the candidates for the office of mayor shall be placed first on the ballot, arranged alphabetically, with a square at the left of each name and immediately at the left of the squares, there shall be a brace including the names of all the candidates for that office and the printed instructions "vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the office of commissioner of finances and public property with a square at the left of each name and at the left of the squares, a brace shall be placed including the names of all candidates for the office of commissioner of finance and public property and the printed instructions "vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the office of commission-



er of streets and public improvements, with a square at the left of each name and at the left of the squares, a brace shall be placed including the names of all the candidates for the office of commissioner of finance and public property and the printed instruction "vote for one."

(d) The ballots having been printed, the city clerk shall have delivered at each polling place a number of ballots equal to twice the number of registered electors. The persons who are qualified to vote at the general municipal election are qualified to vote at the primary election. The law applicable to challenges at a general municipal election is applicable to challenges made at a primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in the precinct for each of the candidates, and return the results to the city clerk, upon proper blanks furnished by the clerk, within six hours of the closing of the polls. On the day following the primary election, the clerk shall canvass the returns received from all the polling precincts and publish the results in all the newspapers of the city or town, at least once. If there are no newspapers, he shall post the results in his office. The canvass by the clerk shall be publicly made. The two candidates, or all candidates if less than two, receiving the highest number of votes for each of the offices for mayor, for commissioner of finances and public property, and for commissioner of streets and public improvements, shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for mayor, for commissioner of finances and public property, and for commissioner of public streets and public improvements at the next general municipal election. All electors of cities entitled to vote for the election of officers at any general municipal election are qualified to vote at all elections under this article.

(e) The ballot at general municipal elections shall be in the same general form as for a primary election, so far as applicable, and in all elections in such city the election precincts, voting places, method of conducting election, canvassing the vote and announcing the results, shall be the same as provided for election of officers in such cities, so far as applicable and not inconsistent with the provisions of this article. If the number of candidates for any of the offices named by petition does not exceed two, then they shall not be voted upon at the primary election, but shall be placed upon the official ballot as though nominated at the primary. When the number of candidates does not exceed two for each office, then no primary election may be held.

#### **Special Registration**

**Section 200.** There shall be no registration of electors before any election, but at all primary elections and other elections the registration list prepared for the respective precincts of the last preceding general county or state election shall be used and the general laws applicable to the swearing in of the votes of non-registered electors shall be applicable. When the words "registration lists" occur in this article they mean those registration lists, and where the words "registered electors" occur they mean the electors whose names are registered in those registration lists.

**Nomination and Elections at Large; Terms of Office**

**Section 201.** Elective officers shall be nominated and elected at large. They shall qualify and their terms of office shall begin on the first Monday in January after their election. The terms of the mayor and councilmen in the city or town in office at the beginning of the terms of office of the mayor and commissioners first elected under the provisions of this article shall then cease. The terms of office of all other officers in the city or town except as otherwise provided, shall cease when the governing body so determines.

**"Corrupt Practices Act" to be Applicable**

**Section 202.** The provisions of Section 222-346 through 22-361, Wyoming Statutes, 1957, as amended, commonly known and referred to as the "Corrupt Practices Act", shall be applicable in all municipal elections .

**Bribery of Electors; False Answering**

**Section 203.** Any person offering a bribe, either in money or other consideration, to any elector for the purpose of influencing his vote at any election provided in this article, or any elector entitled to vote at any election receiving and accepting such bribe or other consideration; any person making false answers relative to his qualifications to vote at an election; any person wilfully voting or offering to vote at an election who is not a qualified elector of the precinct where he offers to vote; and any person knowingly procuring, aiding or abetting any such violation is guilty of a misdemeanor and upon conviction in the city police court shall be fined not more than one hundred dollars (\$100.00) or be imprisoned in the city jail not more than thirty (30) days, or both.

**Council Organization; Quorum; No Veto Power in Mayor**

**Section 204.** The governing body of each city and town operating under the commission form of government shall consist of the mayor and two commissioners, each of whom has the right to vote on all questions coming before the governing body. Two members of the council constitute a quorum, and the affirmative vote of two members is necessary to adopt any motion, resolution or ordinance, or pass any measure, unless a greater number is otherwise provided. Upon every vote the yeas and nays shall be called and recorded, and every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon. The mayor has no power to veto any measure, but every resolution or ordinance passed by the council must be signed by the mayor, or by two commissioners, and be recorded, before it is in force. The mayor shall be president of the governing body. The commissioner of finances and public property shall be vice president of the governing body and shall perform the duties of the mayor in his absence.

**Powers and Duties of Governing Body**

**Section 205.** The executive and administrative powers, authority, and duties in cities and towns adopting this form of government shall be distributed among three departments, as follows:

1. Department of public affairs and safety, to be administered by the mayor.
2. Department of accounts, finance, parks and public property, to be administered by the commissioner of finances and public property.
3. Department of streets and public improvements, to be administered by the commissioner of streets and public improvements.

#### **Commissioners to be Police Judges; Exception**

**Section 206.** The two commissioners shall be police judges, and either may preside over the police court. The period during which either shall perform the duties of police judge may be agreed upon between themselves or be fixed by ordinance. The governing body may, by ordinance, make other provisions regarding who shall act as municipal judges.

#### **Election and Removal of Officers**

**Section 207.** The governing body shall, at its first meeting, or as soon as practicable thereafter, elect by majority vote the following officers: A city clerk, attorney, treasurer, civil engineer, health officer, chief of police, chief of fire department or as many of those officers as necessary, and any other officers and assistants as are provided for by ordinance and necessary to the proper and efficient conduct of the affairs of the city. Any officer or assistant elected or appointed may be removed from office at any time by a vote of a majority of the members of the council, and their respective duties shall be fixed by ordinance.

#### **Officers; Hours; Salaries; Employees**

**Section 208.** (a) The mayor, commissioners, and other officers as provided by ordinance shall have offices in the city hall and shall maintain regular office hours to be fixed by ordinance. The compensation of the city officers shall be paid in monthly installments and except as otherwise provided may be as follows: of mayor, \$12,000.00; of commissioner, \$10,000.00; of city clerk, \$9,500.00; of city attorney, \$9,600.00; of city engineer, \$10,000.00; of police judge, \$3,000.00. However, the annual salaries may be fixed by ordinance at any amount less than the maximum amounts specified. The salary of no elective officer may be changed during his term of office. The salary or compensation of other officers and employees, except as provided by law, shall be fixed by ordinance and payable in equal monthly installments or more often.

(b) In cities and towns having an assessed valuation of fifteen million dollars (\$15,000,000.00) or less, the annual salaries of the following named officers shall not exceed the following: mayor, \$5,100.00; commissioner, \$4,620.00; city clerk, \$4,300.00; city attorney, \$3,600.00, city engineer, \$4,300.00, and police judge, \$1,500.00.

#### **Payment of Salaries and Wages**

**Section 209.** In cities operating under commission government, payment of wages and salary of city officers, laborers, firemen, police

officers, and other employees or officers of any city department may be made upon approval by the governing body of a payroll or payrolls verified by the oath of the city clerk as to city officers, and the oath or oaths of the mayor and city commissioners as to officers and employees of the departments or branches of the city government of which they are the respective heads. With regard to salary and wages of city officers and employees, embraced in those verified payrolls, presentation and allowance of claims as provided by law for claims of other character is not required.

#### **Conflict of Interests; Influence; Campaign Expenses**

**Section 210.** (a) No officer or employee elected or appointed under this article may be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for the city. No officer or employee may be interested directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, water works, electric light or power plant, telegraph line, telephone exchange, or other public utility within the territorial limits of the city or town. No officer or employee may accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of the city or town, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or telephone exchange, or other business using or operating under a public franchise, any frank, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally. Any violation of the provisions of this section is a misdemeanor, and every such contract or agreement shall be void. The prohibition of free transportation does not apply to policemen or firemen in uniform; nor is any free service to city officials provided by any franchise or ordinance affected by this section.

(b) Any officer or employee who, by solicitation or otherwise, exerts his influence directly or indirectly to influence other officers or employees to adopt his political views or to favor any particular person or candidate for office, or in any manner contributes money, labor, or other valuable thing to any person for election purposes, or violates any other provisions of this section, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment in the city jail for not more than thirty (30) days, or both.

(c) All officers and employees shall be elected or appointed with reference to their qualifications and fitness, and for the good of the public service, and without reference to their political faith or party affiliations.

(d) It is unlawful for any candidate for office, or any officer, directly or indirectly to give or promise any person or persons any office, position, employment, benefit, or anything of value, for the purpose of influencing or obtaining the political support, aid or vote of any person or persons.

(e) Every elective officer shall, within thirty (30) days after qualifying, file with the city clerk his sworn statement of all his election and campaign expenses, and by whom the funds were contributed.

#### **Financial Statements**

**Section 211.** At the end of each month the governing body shall prepare a statement of all receipts and disbursements of the city during the preceding month which shall be filed with the city clerk and be open to inspection by any taxpayer of the city during office hours. The state examiner shall annually make a full and complete examination of all the books, accounts and affairs of the city, either in person or by qualified deputies and shall make a written report of his findings, a copy of which shall be filed with the city clerk and one copy with the governor. The report is open to the inspection of the public and the examiner shall prepare and publish at the expense of the city in a newspaper of general circulation if one is published in the city or town, an abstract of his report setting out generally the salient features of the examination and report. The city shall pay the actual and necessary expenses of the examination by the state examiner or his deputies, including per diem at the rate of compensation paid by the state. The per diem shall be paid to the state treasurer for the credit of the general fund by the examiner.

#### **First Commission May Change Appropriations**

**Section 212.** If, at the beginning of the term of office of the first commission elected in a city under the provisions of this article, the appropriations for the current fiscal year have been made, the commission has the power, by ordinance, to revise, to repeal or change those appropriations and to make additional appropriations.

#### **Initiative**

**Section 213.** (a) Any proposed ordinance may be submitted to the governing body by petition signed by electors of the city. The signatures, verifications, authentications, inspection, certification, amendment and submission of the petition shall be the same as provided for petitions under section 215. If the petition accompanying the proposed ordinance is signed by electors equal in number to thirty per cent of the number of registered electors, and contains a request that the ordinance be submitted to a vote of the people if not passed, the governing body shall either

(1) Pass the ordinance without alterations within twenty days after attachment of the clerk's certificate to the accompanying petition, or

(2) Immediately after the clerk attaches to the petition accompanying the ordinance his certificate of sufficiency, the governing body shall call a special election to be held not more than sixty (60) days and not less than twenty (20) days thereafter, unless the general municipal election is fixed within ninety (90) days, and at the special or general municipal election, the ordinance shall be submitted without alteration to the vote of the electors.

(b) The ballots used when voting upon an ordinance shall con-

tain these words, "For the Ordinance" (stating the nature of the proposed ordinance), and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on the proposed ordinance vote in favor thereof, it becomes a valid and binding ordinance of the city. Any ordinance proposed by petition or which is adopted by a vote of the people cannot be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section, but not more than one special election may be held in any period of six months. The governing body may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general city election or at any special election called for any other purpose. If such a proposition receives a majority of the votes cast thereon it is repealed or amended accordingly. Whenever any ordinance or proposition is required to be submitted to the voters of the city at any election, the city clerk shall have the ordinance or proposition published once in each of the daily newspapers published in the city or town, and if there is no daily, then in all the other papers published once or more each week in the city or town. If there are no newspapers, then the clerk shall post it in his office. The publication or posting shall be not more than twenty (20) nor less than five (5) days before the submission of the proposition or ordinance to be voted on .

#### **Referendum**

**Section 214.** (a) If during the ten (10) day period following the passage of any ordinance, except emergency ordinances, and the date it becomes effective, a petition signed by electors of the city equal in number to at least thirty-five per cent of the entire number of registered electors, protesting against the passage of the ordinance, is presented to the commission, the ordinance is suspended from going into operation, and the governing body shall reconsider the ordinance. If the ordinance is not entirely repealed it shall be submitted, as provided by subsection (a) (2) of section 213, to the vote of the electors. The ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the ordinance vote in favor thereof. The petition shall be in all respects in accordance with the provisions of section 213 except as to the percentage of signers, and be examined and certified by the clerk in the same manner.

(b) No franchise or right to occupy or use the streets, highways, bridges, or public places in any city governed by this article, or for interurban or street railways, gas or water works, electric light or power plant, heating plant, telegraph or telephone systems, or other public service utilities within said city, may be granted, renewed, amended or extended except by ordinance and by the following procedure: Every such ordinance shall be complete in the form in which it is finally passed, and remain on file with the city clerk for public inspection for at least ten (10) days before the final passage. The ordinance shall also be published at least once in all the papers of the city or town at least one week before final passage. If there are no newspapers published in the city or town then the filing with the city clerk is sufficient. If at any time during the ten days a pro-

test against the passage of the ordinance signed by ten per cent (10%) of the qualified electors of the city or town as shown by the last general municipal election is filed with the city clerk, then the governing body shall not pass the ordinance. The governing body may, in its discretion, however, submit the ordinance to the qualified electors at the next general or special election in the same manner as is provided in subsection (a) of section 213.

(c) This section does not apply to ordinances initiated and adopted by a vote of the people under section 213.

### **Recall**

**Section 215.** (a) Any elected officer may be removed at any time by the qualified electors in the following manner: A petition signed by at least twenty-five per cent (25%) of all the registered electors, demanding an election of a successor of the person sought to be removed shall be filed with the city clerk. The petition shall contain a general statement of the grounds for removal. The signatures to the petition need not all be appended to one paper, but such signer shall add to his signature his place of residence, giving the street and number. One of the signers of each paper shall make oath before a competent officer that the statements therein made are true as he believes, and that each signature is the genuine signature of the person whose name it purports to be. Within ten (10) days from the date of filing the petition the clerk shall determine whether or not the petition is signed by the requisite number of qualified electors. If necessary, the commission shall allow him extra help for that purpose. The clerk shall attach to the petition his certificate, showing the result of his examination. If the petition is insufficient, it shall be returned to the person who filed it, without prejudice to the filing of a new petition to the same effect. If the petition is sufficient, the clerk shall submit it to the governing body without delay. The governing body shall then fix a date for holding the election, not less than thirty (30) days or more than forty (40) days from the date of the clerk's certificate of sufficiency.

(b) The commission shall publish notice and arrange for holding the election, which shall be conducted, returned and the result thereof declared, in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing at least ten (10) days prior to the date of the special primary election, the clerk shall place his name on the official ballot without nomination. On the second Tuesday preceding the date fixed for the special election a special primary election for the selection of candidates shall be held. The special primary election and nomination are governed by the provisions of this article. If the person sought to be removed is a candidate one opposing candidate shall be selected at the special primary election. The special primary election shall be held if there are more than two nominees, one of whom may be incumbent. If there are no candidates nominated against the officer sought to be removed no special election will be held and the incumbent shall continue in office. In any removal election, the candidate receiving the highest number of votes shall be declared elected. The incumbent shall be

removed from the office upon the qualification of his successor. If the party who receives the highest number of votes fails to qualify within ten (10) days after receiving notification of election the office shall be declared vacant. This method of removal is cumulative and in addition to any other methods provided by law.

#### **Only Qualified Electors May Petition**

**Section 216.** Only qualified electors of the city or town may sign any petition provided for in this article. Each petition shall contain, in addition to the names of the petitioners, the street and house number of the petitioner, his age and length of residence in the city. It shall also be accompanied by the affidavit of one or more qualified electors of the city or town stating that the signers were, at the time of signing, qualified electors of the city or town and the number of signers at the time the affidavit was made.

### **ARTICLE 2. City Manager Government.**

#### **DIVISION 1. Governing Body and Councilmen.**

##### **Adoption**

**Section 217.** Any city or town may adopt this form of government in the manner provided in Chapter 1, Article 4.

##### **Council Organization**

**Section 218.** The entire legislative authority of a city adopting the provisions of this article is vested in a council elected at large, from wards, or a combination of both methods, at the option of the voters. The question of which method is to apply shall be included as a part of the proclamation provided for in Chapter 1, Article 4. There shall be three (3) councilmen in cities and towns having a population of less than four thousand (4,000), seven (7) in those having a population of four thousand (4,000) or more but less than twenty thousand (20,000), and nine (9) in those having a population of twenty thousand (20,000) or more according to the last preceding United States census. Under the ward system there shall be an equal number of councilmen elected from each ward. The prescribed number of councilmen shall be elected at the first regular city election held following the adoption of this form of government. If the next regular city election does not occur within one (1) year, the councilmen shall be elected at an election held on the Tuesday following the first Monday in the next November. Each councilman shall hold office for a term of four (4) years commencing on the first day of January following his election, and until his successor is elected or appointed and has qualified. At the first election of councilmen in any city after the adoption of this article a majority of the councilmen shall be elected for a term expiring at the end of the next even numbered year, and the balance for a term expiring at the end of the second even numbered year. When the terms of two or more councilmen will expire in an odd numbered year or at such time that their successors cannot be elected at a general election to take office the following January, the council may, by a two-thirds majority of all of its members, provide when necessary for the election of successors to such councilmen to be elected for a term expiring at the



end of December following the next general election. Before entering upon the duties of his office, each councilman shall take the oath of office prescribed by section 20, article 6, of the constitution. Regular elections for councilmen in cities and towns operating under city manager government shall be held on the Tuesday following the first Monday in November of each even numbered year, concurrently with the general election for state and county officers. In all other respects, regular and special elections shall be held as nearly as possible in accordance with the procedure prescribed for elections in cities of the first class by sections 166 and 169, including the non-partisan municipal primary and general elections prescribed by sections 174 to 180, inclusive; Chapter 235, Session Laws of Wyoming, 1961.

#### **Election of Council Officers**

**Section 219.** The council shall, at the first meeting after the first election under this article, and at the first meeting after each regular election thereafter, elect from their number a president of the council to be the mayor, and a vice-president of the council. During the absence or disability of the mayor, the vice-president shall perform the duties of the mayor. In the absence or disability of both, the council shall choose from their number a president pro tem to perform the duties of the mayor.

#### **Compensation of Councilmen**

**Section 220.** The councilmen shall receive Ten Dollars (\$10.00) per year as compensation.

#### **Alternate Method of Electing Councilmen; Election; Petition; Boundary Committee**

**Section 221.** An alternative method of electing councilmen shall be initiated by filing with the city clerk a petition signed by qualified electors of the city or town equal in number to ten per cent (10%) of those registered. Within ten (10) days after the petition is filed, the mayor shall publish a proclamation in a newspaper of general circulation in the city or town once each week for three (3) consecutive weeks, stating that the question will be submitted at a special election on a date specified therein not less than thirty (30) nor more than sixty (60) days after the petition is filed. If the petition is insufficient, the mayor shall refuse to proclaim the election, and within the ten (10) day period certify to the city clerk his refusal and his reasons. If his refusal is based on the qualifications of signers of the petition, he shall specify the signers by name and their lack of qualifications. The signatures to the petition need not be appended to one paper, but each signer shall state his place of residence and street number. If the petition is for a combination of ward and at-large representation, it shall state the number of wards, the number of councilmen to be elected from each ward, and the number of councilmen to be elected at-large. All petitions seeking the establishment of ward representation, or a combination of ward and at-large representation, shall contain as a part of the petition the names of the several petitions desired by the petitioners as a group to serve on the ward boundary committee. If the election is successful, the

governing body shall appoint those petitioners to serve on the ward boundary committee.

#### **Same—Submission of Proposition**

**Section 222.** (a) At the election the proposition shall be submitted to the electorate as follows:

1. "Shall the city councilmen be elected at large? Yes or no."
2. "Shall the city councilmen be elected by wards? Yes or no."
3. "Shall the city councilmen be elected by a combination of at-large and by wards as follows: (Here state the method of combination submitted by the petition)? Yes or no."; whichever proposition conforms to the petition.

(b) If two or more methods are proposed, they shall be so submitted that the electors shall vote for or against each of them separately. The election shall be conducted, the vote canvassed, and the result declared in the same manner as other city elections. When the majority of the votes cast on this ballot favor one method, that method shall be considered to be adopted. Immediately after the proposition is adopted, the mayor shall transmit to the secretary of state and to the county clerk of the county in which the city or town is situated, a certificate stating that the proposition was adopted. The certificates shall be recorded by those officers in their offices.

#### **Same—Ward Boundaries; Effective Date**

**Section 223.** When the majority of the votes cast on this ballot favor wards, or a combination of at-large and wards, ward boundaries shall be agreed upon by a committee composed of members of the governing body and an equal number of petitioners. Their decision shall then be formalized by city ordinance. Ward boundaries, whenever possible, shall coincide with and follow existing precinct lines so as to utilize existing polling places. Wards, when established, shall be numbered consecutively, beginning with number one, on the basis of the plan adopted by the committee. The establishment or elimination of wards, whichever is applicable, shall take effect prior to the first election following the special election at which the method was adopted.

#### **Elections Following Change of Method**

**Section 224.** The number of councilmen shall be as prescribed in Section 218. At the first election of councilmen in any city after the adoption of a change in the method of their election, the same number of councilmen shall be elected by wards, or at-large, or under a combination of both, whichever is applicable, as there are council terms expiring. At the first election, vacancies on the council shall be filled by candidates from wards having the lowest number designation and not having a hold-over member on the council. At the second election, candidates will be elected from wards not having hold-over members. Councilmen shall be residents of the wards from which they are elected, and if any councilman removes from the ward from which he is elected, his seat shall be declared vacant.

**Limit on Frequency of Elections**

**Section 225.** If a change of method of electing councilmen is not accepted at the special election, the question shall not again be submitted to the voters for adoption within four (4) years thereafter. If a change in method of electing councilmen is adopted, then the question of change shall not again be submitted to the voters for ten (10) years.

**DIVISION 2. City Manager, Officers, Employees.****City Manager; Salaries; Officers; Employees; Police Justices**

**Section 226.** (a) The governing body shall, as soon as possible after the first election, employ a city manager and a city attorney; and fix their salaries. The city manager shall receive no other or additional salary for the performance of any of the duties required of him as city manager. The city manager is an employee and serves at the pleasure of the governing body. His salary may be changed from year to year, and he may be discharged and his employment terminated at any time by a majority vote of the governing body.

(b) The manager shall give thirty (30) days' notice in writing to the governing body before resigning from his position. If the position becomes vacant for any reason, the governing body shall immediately proceed to employ another person. If there is a delay in securing a new manager or the governing body fails to employ a manager at the first meeting after adopting this article, the governing body shall elect one of its number to act as manager without salary. He shall qualify the same as the manager and shall be vested with authority and charged with the duties and responsibilities of the manager until a manager is employed and qualified.

(c) Consistent with the ability to pay, the governing body shall fix the salaries for the respective positions, to be paid in twelve (12) or more installments, not to exceed the following maximum amounts per year:

- (1) Manager, eighteen thousand dollars (\$18,000.00);
- (2) Clerk, seventy-two hundred dollars (\$7,200.00);
- (3) Treasurer, seventy-two hundred dollars (\$7,200.00);
- (4) Clerk-treasurer, ninety-five hundred dollars (\$9,500.00);
- (5) Municipal judge, five thousand dollars (\$5,000.00);
- (6) Attorney, ninety-six hundred dollars (\$9,600.00);
- (7) Engineer, ten thousand dollars (\$10,000.00);
- (8) Fire Chief, ninety-six hundred dollars (\$9,600.00);
- (9) Police Chief, ninety-six hundred dollars (\$9,600.00);
- (10) Subordinate positions in the fire department, eighty-four hundred dollars (\$8,400.00);
- (11) Subordinate positions in the police department, eighty-four hundred dollars (\$8,400.00);

(d) The governing body shall appoint one or more municipal judges with jurisdiction to hear and determine all cases arising under the ordinances of the city or town. The rules of practice before the

municipal judges shall conform as nearly as possible to the provisions of the justice code concerning complaints, continuances and trial, but no change of venue may be granted in any case.

(e) 1. Any person holding one of the positions listed in subsection (c), except policemen and firemen, may be required by the manager to perform duties and services in one or more departments of the city or town and he shall receive no compensation in addition to the salary of his position for the performance of any of the duties required of him. However, the city attorney is not required to perform any service other than legal service. In cities and towns having a population of more than 10,000 according to the last federal census, policemen and firemen shall not be required to perform any service other than that normally considered to be within their respective departments. Salaries of the members of the police and fire departments shall be established in conformity with the civil service laws of the state and ordinances of the city applicable to those departments, not to exceed the maximum amounts prescribed.

2. In addition to the positions listed in subsection (c), the governing body may employ experts to perform unusual or special service upon the recommendation of the manager or otherwise. Subject to equal qualifications, preference shall be given to bona fide residents of the city or town in employing applicants for positions.

3. Except for the city manager, attorney and municipal judges, all employees shall be employed by the city manager and be selected on merit and serve at his pleasure. He shall fix their salaries, by and with the consent of the governing body, consistent with the city's ability to pay. Nothing herein shall be construed as affecting or superseding the provisions of Chapter 5, relating to police and fire departments.

#### **Duties of Manager; Generally**

**Section 227.** In addition to his specific duties, the manager shall see that all laws and ordinances are observed and enforced. He shall attend all meetings of the governing body and may recommend necessary and expedient measures. He shall prepare and submit to the governing body reports required by it, or that he considers advisable. He shall keep the governing body fully advised of the financial condition and its future needs, and perform all duties imposed upon him. The manager is the purchasing agent for the city.

#### **Manager's Duties Relative to Public Health and Welfare**

**Section 228.** The manager shall enforce all statutes, ordinances and regulations relative to the public health, comfort and safety. If the owner or occupant of property deposits or allows the accumulation of garbage, offal, manure, or rubbish of any kind upon it, or in the streets or alleys upon which it abuts, or permits weeds to grow and remain on the property, in violation of any statute or ordinance, the manager shall serve notice upon the occupant, or the owner or his agent, to remove the same. If it is not removed within one day after service of notice, the manager shall have it removed, and the cost of removal shall be assessed against the property and constitute a lien thereon. The owner shall be notified of the amount assessed,

and if it is not paid it shall be collected in the same manner as other special assessments.

#### **Manager to Control Utilities, etc.**

**Section 229.** Unless a board of public utilities has been established as provided in Chapter 7, Article 5, the manager shall control and manage any public utility owned and operated by the city or town. Subject to the laws relating to public utilities, he shall fix all rates and compensation to be paid by consumers of water, gas, electric current or any service furnished by any other public utility, owned or operated by the city or town, provided they are equal and uniform to all persons within the class served. He shall make and enforce all necessary rules, regulations and penalties to enforce their collection, or for the protection of the property and rights pertaining to public utilities. At the end of each month, or within three (3) days thereafter, he shall file with the clerk a report showing the receipts and disbursements in the management of all public utilities during the month.

#### **Manager to Manage Police and Fire Departments**

**Section 230.** The manager shall control and manage the fire department and the police department, and may appoint a chief of the fire department and a chief of the police department, and other employees necessary in those departments.

#### **Manager to Recommend Rules and Regulations**

**Section 231.** The manager shall recommend such rules and regulations necessary for the efficient and economical conduct of the business of the city or town, subject to the provisions of this article.

#### **Power of Manager to Appoint and Remove Subordinates**

**Section 232.** The manager shall appoint a city clerk. He may, in his discretion, also appoint a city engineer and a city treasurer. The city clerk may be appointed to act as treasurer, but in that event he shall not receive more than the salary of one position. In addition, the manager may appoint and remove all necessary subordinates, clerks, assistants, laborers and servants and fix the compensation of those appointed by him within the limits fixed by the governing body and the law. Except as otherwise provided, he shall prescribe the powers and duties of all employees, and may require any employee to perform duties in two or more departments. He shall file with the clerk a list of the names of all employees, together with a statement of the salary or compensation each is to receive.

#### **Bonds of Officials and Employees**

**Section 233.** The governing body may require the manager and any other employee to post bonds for the performance of their respective duties. They shall be bonds of a surety company, and be approved by the governing body, and filed with the county clerk of the county in which the city is located, or with the city clerk, as the governing body directs. The cost of the bonds and their filing shall be paid by the city or town.

**Interest in Contracts Prohibited**

**Section 234.** Any person interested in any contract with the city, except contracts for current supplies for which no competitive bid is required, either individually or as a member of a firm, or as a director or other managing officer of a corporation, except the contract for his lawful compensation of salary as such officer or employee is ineligible to hold any office or employment under this article.

**Gratuities Prohibited; Exceptions; Voidability of Contracts**

**Section 235.** No officer or employee of the city or town may solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit or advantage, directly or indirectly, from or by reason of any improvement, alteration or repair required by authority of the city or town, or any contract to which it is a party, except his lawful compensation as such officer or employee. No officer or employee may solicit, accept or receive, directly or indirectly, from any public service corporation, or the owner of any public utility or franchise of the city, any pass, frank, free ticket, free service, or any other favor, upon terms more favorable than those granted the public generally, except that councilmen, who are regularly employed by any such public service corporation or owner of public utility or franchise may receive free service or favor as is given to all other similar employees. A violation of any of the provisions of this section disqualifies the offender to continue in the employment of the city or town, and he shall be removed from his position. Any contract in which any officer or employee of the city except as otherwise provided, is, or becomes, directly or indirectly interested, individually or as a member of a firm, or as an officer or director of a corporation is void. Any money which has been paid on the contract may be recovered by the city or town from any and all the interested persons by a joint and several action brought in the name of the city or town.

**Delivery of Property to Successor in Office**

**Section 236.** Every person shall, upon the expiration of his term of office or employment, deliver to his successor in office all property, papers, books and effects of every description in his possession belonging to the city or town, or pertaining to the office he held. If he fails to do so within five (5) days after being notified and requested by the manager, or president of the governing body, he shall forfeit and pay for the use of the city the sum of \$500.00, and all damages caused by his neglect or refusal to deliver. The amount may be recovered in an action brought for that purpose, and the city may by action in the nature of replevin, or mandamus proceedings, enforce the delivery of such property, papers, books and effects.

**DIVISION 3.** Property; Financial Affairs; Contracts; Streets; Subdivisions; Utilities, Etc.

**Inventory of Property**

**Section 237.** Every officer and employee having charge of any city or town property shall, at or before the last council meeting in

April of each year, and at other times as required by the governing body, submit to it a full inventory of all public property in his hands or under his control. The inventory shall contain an itemized statement of all property which has come into his possession since the last report. It shall be filed with the city clerk, and kept open for public inspection, but need not be entered in the council proceedings or published in the official newspaper unless the governing body so directs.

#### **Fiscal Year**

**Section 238.** The fiscal year begins on the first day of January of each year, except in those cities or towns subject to the municipal budget act, sections 9-525 to 9-540, Wyoming Statutes, 1957. The system of finance in force at the time of adoption of this article shall continue in force until the beginning of the next fiscal year.

#### **Disbursements; Warrants; Claims Over \$50**

**Section 239.** (a) Except as otherwise provided, all disbursements shall be made by warrants signed by the manager and countersigned by the mayor, and no warrant may be drawn in payment of a claim of more than fifty dollars (\$50) until the claim certified by the manager has been allowed by resolution of the governing body. Every warrant shall specify its purpose, the fund against which it is drawn, and shall be made payable to the order of the person in whose favor it is drawn. No warrant may be issued until there is enough money in the fund out of which it is to be paid, in addition to all other outstanding orders against the fund, for its payment. Any warrant contrary to this section is void and any officer or employee drawing such a warrant is personally responsible for the amount of any payment made on it.

(b) When any warrant is paid, it shall be immediately cancelled and filed in the office of the manager. The orders drawn upon each fund shall be kept separate. The governing body shall provide for the examination during each annual audit of all cancelled warrants, bonds, and other obligations in the hands of the manager.

#### **Payment of Bonds; Debt Certificates**

**Section 240.** Principal and interest upon bonds and certificates of indebtedness, when due, may be paid by the manager out of the proper funds, upon presentation and surrender to him of the bond, certificate or interest coupon. When paid, they shall be cancelled immediately and filed in the office of the manager, in the same manner as warrants. The payments shall be made by warrants conforming to the requirements of section 239.

#### **Purpose of Checks Drawn**

**Section 241.** Every check drawn upon a city depository in payment of a warrant shall be signed by the manager and countersigned by the mayor, and state clearly thereon the purpose for which it is drawn.

#### **Funds to be Maintained**

**Section 242.** (a) The following funds shall be maintained in

the treasury, and the governing body shall determine the amount of annual tax to be levied for their support.

(1) Interest fund.—An interest fund for which there shall be levied a sum sufficient for the payment of the interest to become due during the next year upon all bonds and debts of the city or town, except public utility bonds.

(2) Sinking fund.—A sinking fund for the purchase, or payment when due, of any bond or other funded debt when due.

(3) Public safety fund.—A public safety fund, for the maintenance and operation of the fire department and the health department.

(4) Park fund.—A park fund for the acquisition and maintenance of public parks, playgrounds, baths, gymnasiums, halls and similar places of public recreation, convenience and amusement. All money from whatever source received, including gifts, and devises, to be used for any such purposes shall be paid into this fund.

(5) Public welfare fund.—A public welfare fund for the acquisition and maintenance of cemeteries, garbage crematories, hospitals, workhouses, detention houses, lodging houses, houses of refuge and similar institutions for the well being of the unfortunates and delinquents of the city or town. All moneys from whatever source received including gifts and devises, to be used for any such purpose shall be paid into this fund.

(6) Public work fund.—A public work fund, for the maintenance of the streets and alleys and for such repairs thereto as are not payable by special assessment or out of the permanent improvement fund. No repairs exceeding three (3) per cent of the original cost of the construction of the portion of the highways repaired may be paid for out of this fund in any one year. All taxes or fees imposed upon vehicles shall be paid into this fund.

(7) Public property fund.—A public property fund for the payment of the cost of all real property acquired which is not otherwise provided for out of other funds.

(8) Permanent improvement fund.—A permanent improvement fund for the payment of the portion of the cost of local improvements which devolve upon the city or town. When the amount of the fund exceeds twenty-five (25) per cent of the amount of permanent improvement revolving fund bonds of the city outstanding the excess shall be transferred by the manager into the general fund.

(9) Public utility fund.—A public utility fund for the acquisition, construction, support, maintenance and operation of any public utility owned or operated by the city, including payment of the interest on any bond, or other indebtedness which may be a lien upon the utility. All money derived from the sale of bonds issued on account of any utility, from the operation of the utility, and from the sale of any property acquired for or used in connection with any utility shall be paid into this fund. Any surplus remaining in the fund at the end of any fiscal year shall be transferred to the sinking fund, provided for in sub-section (a) (2) of this section.



(10) General fund.—A general fund for the support of such other funds and for the payment of such expenses as the governing body deems proper, and which are not payable out of other funds. All money not designated to be paid into any other fund shall be paid into this fund.

(11) Contingent fund.—A contingent fund of not more than three hundred dollars (\$300.00) for the use of the manager in paying expenses incurred by him in preserving the safety and well being of the city, which are not payable out of the other funds.

(12) Permanent improvement revolving fund.—All money received on special assessments levied for local improvements, interests on extended assessments, and the proceeds of the sale of permanent improvements revolving fund bonds shall be paid into this fund. All permanent improvement revolving fund bonds, and installments on contracts for improvements to be paid in whole or in part by assessments made against the property benefited shall be paid out of this fund as they fall due. When it is determined what part of the contract price paid out of this fund is a charge against the city, and not payable by special assessments, that amount shall be repaid into this fund out of the permanent improvement fund.

(b) The funds enumerated in sub-section (a) shall be in the custody of the manager.

#### **Tax Levy Generally**

Section 243. Any city or town which has a bond or funded indebtedness, shall levy by general taxation for fund number (a) (2), section 242, an amount at least equal to one mill on the dollar of the assessed valuation of the taxable property in the city or town.

#### **Division of Money on Hand**

Section 244. Money in the treasury when this form of government is adopted, and money to be collected from taxes levied before adoption, shall, so far as practicable, be divided among the funds established in section 242, and when sub-division is not practicable, shall be kept in the general fund. The governing body, by resolution, shall provide for the sub-division of funds.

#### **Investment of Sinking Fund; Annual Report**

Section 245. The manager shall, by and with the consent of the governing body, invest the sinking fund in bonds or other obligations of the city or town issued according to law, or if such bonds cannot be procured at reasonable rates, then in other securities in which the public school funds for the State of Wyoming are permitted to be invested. No part of a fund which is required to pay any obligations of the city or town, may be invested in securities which, by their terms, mature at a date later than that on which the obligations become payable. In case of investment in bonds or other obligations of the city or town, they shall not be cancelled, except when authorized by the governing body, but shall be held in the sinking fund and the interest paid and applied to the sinking fund. All sums not invested shall be deposited in the bank or banks designated as depositories of the city or town money. Whenever any bonds become due, the

manager shall, with the consent of the governing body dispose of enough of the bonds then in the sinking fund, if any, which together with the money then on hand be sufficient to pay the maturing bonds. The manager, by and with the consent of the governing body, may dispose of any bonds in the fund. Whenever the amount of the sinking fund, together with the interest computed to the maturity of the bonds, is sufficient to pay all such bonds, the levy of the tax shall be omitted or reduced and the moneys otherwise devoted to this fund may be diverted to other funds. However, when the fund is in the judgment of the governing body, insufficient to pay the bonds at maturity, the tax shall be resumed. The manager shall make a detailed report to the governing body at the first meeting in July of each fiscal year, and at such other times as the governing body may require showing the condition of the sinking fund, the nature and value of all the securities therein, with a full description of those securities. Any taxpayer or any owner of bonds of the city or town, may maintain, in a court of competent jurisdiction, any proper action or proceeding to enforce upon the part of the governing body or the manager, compliance with the provisions of this section. Whenever, at the maturity of any of the bonds of the city or town, the sinking fund is not sufficient to pay those bonds, and whenever the governing body desired to take up any bonds not due, it may issue other bonds conforming to the requirements of section 246, to run not more than thirty (30) years, in an amount necessary to meet the deficiency, and refund such bonds if not due.

#### **Issue and Sale of Bonds and Certificates of Indebtedness**

**Section 246.** (a) The city or town may by ordinance issue and sell bonds or certificates of indebtedness as follows:

1. To pay, fund or refund any of its debts.
2. To purchase, construct, extend, improve and maintain public utility plants named in the ordinance authorizing the issue of the bonds or certificates of indebtedness.
3. Not to exceed a total outstanding issue of one hundred fifty thousand dollars (\$150,000.00) for the benefit of the permanent improvement revolving fund.
4. For defraying the cost of making local improvements in intersections of streets, alleys, and in front of property exempt by law from special assessments, and property owned by the city or town.
5. For defraying the cost of establishing and maintaining a general system of sewers and of maintaining, altering, relaying and extending existing systems of sewers.
6. For the purchase, erection and improvement of necessary public buildings.
7. For establishing garbage crematories or other means of garbage disposal, hospitals, schools, libraries, museums and art galleries.
8. For changing, controlling or bridging streams, or ravines and construction and repairing bridges within the corporate limits.

9. Not to exceed forty thousand dollars (\$40,000.00) to run not longer than ten (10) years, for the benefit of the general fund in case of a failure of the anticipated revenue from sources other than taxation.

10. To purchase real property for future public use, when the acquisition of the land in the opinion of the governing body is necessary to conform to a master plan adopted and certified for the physical development of the municipality under Chapter 1, Article 6.

(b) No bonds except those of sub-section (a) (1) of this section may be issued or sold unless the governing body is first authorized to do so by a majority of the electors of the city or town voting thereon at a regular or special election.

(c) Bonds issued and sold under this section shall not be sold for less than par value, and shall bear interest at not more than six (6) per cent per year, except that if on the first offer of bonds, no bids are received for the amount offered, the governing body may re-advertise the bonds to be issued to bear interest at not more than seven (7) per cent per year.

(d) The funded indebtedness other than that provided in sub-section (a) (5) of this section shall not exceed four per cent (4%) of the assessed value of the taxable property of the city. When determining indebtedness for the purpose of fixing that limit, bonds issued for the purpose of supplying water shall not be counted. Bonds issued under sub-section (a) (5) shall not exceed four (4) per cent of the assessed value of the taxable property of the city or town.

(e) The limitations expressed in this Section shall have no application to refunding public securities issued pursuant to the General Obligation Public Securities Refunding Law except as otherwise provided in that Act.

#### **Expenditures; Limitation**

**Section 247.** When the expense and obligations incurred chargeable to any particular fund in any fiscal year, equals eighty (80) per cent of the entire tax levy for that year, together with eighty (80) per cent of the amount estimated to be received by that fund from other sources, including any amount in the fund from the levy of any prior years, no officer or employee may create any additional obligation or indebtedness (save as the remaining twenty (20) per cent of the tax levy is collected) against that particular fund, or which will be a valid claim against the city. Any additional indebtedness is a personal claim against the officer or employee.

#### **Estimate of Revenue and Expenditures**

**Section 248.** On or before the first day of January in each year, the manager shall submit to the governing body an estimate of the probable expenditure for the next fiscal year, stating the amount required to meet the interest and maturing bonds, the amounts necessary for each fund and department, an estimate of taxes upon property, the probable amount required to be raised by taxation, and the liabilities of the city. The governing body shall then determine the sum to be raised by taxation and make appropriations in detail for

the next fiscal year. The governing body shall certify and file a statement of the sum to be raised as required by Section 39-66, Wyoming Statutes, 1957.

#### **Debt Certificates to Cover Deficit**

**Section 249.** When the statement is filed, the governing body may, pursuant to an ordinance adopted for the purpose, issue and sell certificates of indebtedness in anticipation of the collection of taxes for any special fund named in the statement which may be deficient, to raise money for that fund. No certificates may be issued for any special funds exceeding fifty (50) per cent of the amount estimated to be paid for the use and benefit of the fund at the next settlement of the county treasurer. No certificates may be issued to become due and payable later than the end of the month in which the next settlement is to be made by the county treasurer. Every certificate shall specify the particular fund for the benefit of which it is to be sold.

#### **Manager to Keep Records**

**Section 250.** (a) When the tax estimate is made in each year, the manager shall open and keep in his books separate and distinct accounts for each of the several divisions of taxes shown in the tax estimate of the then current year. Any tax estimate for expenditures shall be itemized so as to show separately the amount to be collected from taxes for each fund as designated in section 242. The manager shall keep a complete, accurate and separate account of the separate funds, which shall accurately show at all times the source and amount of money received by him for the credit of each fund, the amount paid out by him on account thereof, and to whom and for what purpose paid out. He shall also keep a separate and distinct account of moneys received or to be received for each local improvement for which an assessment is made, and when any money is collected by him from the county treasurer, or any other source on account of an assessment, he shall credit the sum to its separate assessment account. Whenever the county treasurer pays to the manager any taxes collected under any levy, and whenever any money is received by the manager from the sale of certificates of indebtedness in anticipation of the collection of a tax based on a tax estimate, he shall credit each of the respective funds and accounts with its proportionate amount of receipts according to the tax estimate of the fiscal year for which the estimate is made. The money paid on account of assessments shall not be paid out by the manager except in payment of assessment work. The money received from the sale of certificates of indebtedness based on a tax estimate, and the money received from the county treasurer on a tax levy based on such estimate, shall be used only to defray the expenditures, together with the arrearages due to and unpaid, for the specific object for which the estimate was made and the taxes levied.

(b) After the accounts are opened, any moneys thereafter received from the collection of delinquent taxes, shall be forthwith distributed to the funds provided for if they correspond to the funds named in the particular tax levy on which the delinquent taxes were collected and so far as they do not correspond, the delinquent taxes

collected shall be credited to the general fund. Except as otherwise provided, the surplus of any year's receipts over expenditures in any particular fund shall be carried forward to the same fund for the succeeding year, but that amount shall be considered in making the apportionments, and no fund may be increased beyond the amount allowed.

#### **Date of Settlement by Officers Receiving Money**

**Section 251.** Every officer collecting or receiving moneys belonging to the city or town shall settle with the manager on or before the last day of each month, or as directed by the governing body, and immediately pay all money into the treasury for the benefit of the funds to which such moneys belong. When the last day of the month falls on Sunday, or a legal holiday, the payment shall be made on the next preceding business day.

#### **Bond Depositories**

**Section 252.** (a) The governing body shall biennially, by competitive proposals, designate a bank or banks within the State to be depositories of the moneys of the city or town, and enter into contracts with such banks in conformity with the proposals. Every bank designated shall give a surety bond to secure the safekeeping and prompt payment of deposits. All moneys coming into the hands of the manager shall be deposited by him in the bank or banks designated within the limits specified in the bonds. He is not liable for the loss of any money so deposited, but in no case may payments be postponed or deferred after they become due in order to secure additional interest on the funds.

(b) Any such depository may, instead of such bond, furnish, as security for such deposits, collateral security of the same type and nature as are described in section 9-591, Wyoming Statutes 1957, as amended, the said securities to be approved by the city manager, and to be accompanied by a written assignment vesting the legal title thereto in the city making such deposits, as collateral security that such depository, so depositing and signing said securities, shall and will safely keep and pay over to the city treasurer, or his authorized deputy, on his check, order or demand, all money which may come into the possession of such depository, together with all interest accruing thereon as herein provided, that in case of default on the part of such depository, the city shall have full power and authority to sell said securities or so much thereof as may be necessary to realize the full amount of the funds of the state so deposited in said depository, together with interest thereon. The interest on such bonds, so deposited and furnished, shall, when paid, be turned over to the bank so depositing the same, as long as it is not in default.

(c) Such depositories, within thirty (30) days following such designation, shall furnish to the city council a certified copy of the resolution accepting such designation adopted by its board of directors, said resolution to be in substantial compliance with the form of resolution set forth in Section 9-592, Wyoming Statutes 1957, as amended.

(d) In the event of a default on the part of such depositories, said collateral securities shall not be sold until notice of such sale

has been given by publication in a newspaper published in the county in which such city is located once each week for five (5) consecutive weeks.

#### **Statement of Interest Received**

**Section 253.** At the close of each fiscal year, the manager shall make a statement to the governing body of the total amount of interest on public funds received by him during the year and the interest shall be credited to the several funds from which it accrued.

#### **Tax Levy Limit**

**Section 254.** (a) The aggregate amount levied by general taxation in any one year for all of the funds designated in Section 242, not including funds numbered one and two, shall not exceed eight mills on the dollar of the assessed valuation of all taxable property in the city. A levy in excess of that limitation is void as to the excess. That limitation does not prohibit the levying of taxes to pay any judgment that may at any time be recovered against the city, but in case of such judgment the governing body in the next certified statement made after the judgment has become final, shall include an amount sufficient to pay the judgment. If the taxes are not collected or the proceeds of the levy made for that purpose are insufficient to pay the judgment, new taxes shall be levied until the whole of the judgment is paid.

(b) Any excess levied and collected over the amount necessary for the payment of the judgment shall go into the general fund.

#### **Disallowance of Claims**

**Section 255.** When any claim against the city is disallowed, in whole or in part, the claimant may appeal from the decision of the governing body to the district court of the district in which the city or town is situated, by filing notice of appeal with the manager within ten days after the decision is made, giving security for costs to be approved by the manager. The manager shall forthwith notify the city attorney of the appeal. When any claim for more than one hundred dollars (\$100.00) is allowed, no warrant may be issued for its payment until ten (10) days after allowance. Within ten days the city attorney may, and upon written demand of ten (10) resident taxpayers he shall, take an appeal from the decision to the district court in the manner above provided. The taxpayers making the demand are liable for the costs of the appeal if it is decided against the city. When taxpayers demand an appeal they shall file with the manager a bond approved by him, to secure the payment of costs. If the appeal is perfected the proceedings shall be the same as provided by law for appeals from the board of county commissioners in like matters. The word "claim" as used in this section means claims as are presented for audit, and not claims for salaries of officers and employees or other fixed charges against the city or town.

#### **Award of Contracts; Bids; Purchase of Process, Labor, etc.**

**Section 256.** When any work is to be done by contract or any property is to be purchased, and the amount involved is more than five hundred dollars (\$500.00), unless the governing body provides

otherwise by an emergency ordinance, the manager shall advertise for bids. Contracts shall be let to the lowest responsible bidder. The manager may, however, reject any and all bids, and the city or town may contract to do the work with patented processes, or by purchasing patented appliances. The city is not compelled to do public work or make any public improvements by contract, and the manager may do such work under his own supervision by the purchase of materials and the employment of labor.

#### **Execution of Contracts, Bonds, etc.**

**Section 257.** All written contracts, bonds and instruments to which the city or town is a party, shall be executed in its name by the mayor and attested by the city clerk, and when necessary, shall be acknowledged. No contract requiring the payment of money by the city or town is valid unless the particular fund out of which it is to be paid is specified in the contract.

#### **Plans; Specifications; Cost Estimates; Payments, etc.**

**Section 258.** Before advertising for a bid for any work on the construction of any public improvements, the manager shall prepare detailed plans and specifications, together with an estimate of the probable cost, and a form of the proposed contract. No contract may provide for the monthly payment of more than ninety per cent (90%) of the contract price on the amount of work done during the month, as shown by the estimate of the city engineer. No progress payment may be made until the city engineer has furnished the estimate, together with a certificate that the amount of work estimated to have been done conforms in all material respects with the requirements of the contract.

#### **Submission of Check with Bids; Bonds**

**Section 259.** In advertising for any bid, the manager shall require bidders to accompany each bid with a certified check or cashier's check upon some reputable bank payable to the city or town, for at least five per cent (5%) of the total amount of the bid. The check shall be forfeited, as liquidated damages, if the bidder, upon the letting of the contract to him, fails to enter into the contract within ten (10) days after it is presented to him for that purpose or fails to proceed with the performance of the contract. The check shall be retained by the city or town until proper bond to secure performance of the contract has been filed and approved. The right to reject any and all bids shall be reserved in all bid advertisements. All bids shall be numbered consecutively before they are opened and no further bids may be received after any bid has been opened. The manager shall give all persons who desire, an opportunity to inspect all bids, when they are opened. No bid may be considered unless accompanied by the certified check or cashier's check in the required amount.

#### **Bond of Contractor**

**Section 260.** Every person to whom a contract is awarded for an amount exceeding two hundred fifty dollars (\$250.00) shall give a surety company bond in an amount fixed by the manager, for the faithful performance of the contract and the protection of the city

or town against any claim which may grow out of the performance of the contract.

#### **Assignment of Contracts**

**Section 261.** No contract for which a bond is required may be assigned or transferred in any manner except by operation of law or consent of the manager endorsed on the contract. Assignment by any other means renders the contract null and void as to any further performance by the contractor or the assignee, without any act on the part of the city or town, and it may at once proceed to re-let the contract, or may at its discretion proceed to complete the contract as agent and at the expense of the contractor and his sureties.

#### **Publication of Notice of Completion of Contract**

**Section 262.** Before any contractor or his representatives receives a final estimate on any contract for which a bond is required, the city or town shall publish in a newspaper of general circulation in the city or town, at least ten (10) days prior to the payment of the estimate, a notice to the effect that persons having claims for labor and material furnished the contractor shall present them to the city or town prior to the date specified for payment.

#### **Malfeasance of Officers and Employees Regarding Contracts**

**Section 263.** Any officer or employee of the city or town who aids any bidder in securing a contract to furnish labor, material or supplies at a higher or lower price than that proposed by any other bidder, or who favors one bidder over another by giving or withholding information or who wilfully misleads any bidder in regard to the character of the material or supplies called for, or who knowingly certifies to a greater amount or different kind of material or supplies than has been actually received, is guilty of malfeasance, which renders his office vacant.

#### **Hearing upon Charge; Appeal**

**Section 264.** Any officer or employee charged with malfeasance is entitled to a hearing by the governing body and shall be served with a copy of the charge at least ten (10) days before the hearing. He may present a defense thereto in person or by council. The governing body may compel the attendance and testimony of witnesses and the production of papers, and a finding by a majority of the governing body is conclusive, unless removed to the district court for review. If any such charge against any officer or employee signed by ten (10) voters of the city or town, is presented to the governing body, it shall proceed to hear the matter in the manner provided.

#### **Penalty for Malfeasance**

**Section 265.** Any officer or employee of the city found guilty of malfeasance with regard to a contract may be punished by a fine of not more than one thousand dollars (\$1,000.00).

#### **Collusion by Contractor Voids Contract**

**Section 266.** If any person to whom a contract has been awarded has colluded with any person to prevent any other competing bids being made, or has entered into an agreement by which he has made



a higher or lower bid than some other person for the purpose of dividing the contract or profits therefrom between two or more bidders, then the contract is null and void, and the manager shall advertise for new bids or provide for the work to be done under his own supervision and control.

#### **Contract Void When Article Violated**

**Section 267.** Any contract made in violation of the provisions of this article are void, and any money paid on account of such a contract by the city or town may be recovered without restitution of the property or benefits received or retained.

#### **Contracts to Refer to This Article**

**Section 268.** Every contract of the kind specified in this article shall contain a provision expressly referring thereto and making it a part of the contract.

#### **Supervision of Streets, Alleys, Parks, etc.**

**Section 269.** The manager has the care, supervision and control of all the highways, streets, alleys, public squares, parks and grounds within the limits of the city or town. When authorized by ordinance he may lay out and open new streets and alleys, and extend, widen and straighten the same, and establish or change their grade. However, no street or alley may be widened or the established grade changed, unless a petition therefor signed by the owners of more than one-half of the property abutting on the portion of the street or alley to be changed, has been presented to the governing body.

#### **Power of Council to Vacate Street**

**Section 270.** The governing body has the exclusive power and may, by ordinance, vacate any highway, street, lane or alley, or portion of either. No vacation may be ordered except upon petition of a majority of the owners owning a majority of the property abutting on the portion proposed to be vacated and extending three hundred (300) feet in either direction from the portion proposed to be vacated. The city or town may demand and receive the value of the land vacated as consideration for the vacation.

#### **Cleaning Districts**

**Section 271.** The manager may designate districts or portions of the streets and alleys for cleaning, and may purchase equipment and employ labor for that purpose or provide for the cleaning by contract.

#### **Construction and Maintenance of Sidewalks and Curbs; Notice; Assessment**

**Section 272. (a)** All owners of land adjoining any street, lane or alley shall construct or reconstruct a sidewalk and curb along the street, lane, or alley next to the land when ordered to do so by the manager. All sidewalks and curbs shall be constructed as designated by the manager. However, he shall not require any person to construct a walk or curb in a different manner, or of a different material, than is required of other persons in the same block fronting the

street. It is the duty of land owners to keep any sidewalk or curb now constructed, or which may hereafter be constructed in front of the land, in good repair and in safe condition.

(b) When the manager considers it necessary that a sidewalk or curb be constructed, reconstructed or repaired, notice shall be served upon the owner of the land along which it is to be constructed or repaired specifying the manner in which it is to be constructed or repaired. The notice shall be served personally upon the owner, or if he is not to be found within the city or town it shall be sent to him by mail if his address is known, otherwise it shall be published once in the official newspaper of the city or town. Unless the owner within two weeks after service, mailing or publication of the notice, begins the construction or repair and completed it without delay, the manager shall have the work done at the expense of the permanent improvement revolving fund, and assess and levy the expense against the land upon which the sidewalk or curb fronts. The assessment shall be collected as provided for the collection of other special assessments and when collected shall be paid into the revolving fund. The manager may, upon proper showing made to him, extend the time within which the construction or repair shall begin or be completed.

#### **Grade and Width of Parking**

**Section 273.** Before ordering the construction of any new sidewalk or curb, the manager shall establish its grade and the width of the parking.

#### **Liability for Excavations, Obstructions, etc. in the Streets**

**Section 274.** Any person who renders a street insufficient or unsafe for travel by any excavations or obstructions not authorized by law or ordinance or is negligent in the management of any authorized excavation or obstruction, or fails to maintain proper guards or lights is liable for all damages recovered by any person injured as a result of the obstruction or negligence. No action may be maintained against the city or town for damages, unless the person or persons creating the condition are joined as parties defendant. In case of judgment against the defendants, execution shall at first issue only against the defendant causing the insufficiency or danger, and the city or town is not required to pay the judgment until that execution is returned unsatisfied. If the city or town pays the judgment it shall become the owner of the same and may enforce its payment from the other defendants, and is entitled to execution against them and to take such other proceedings as judgment creditors are entitled to take.

#### **Actions for Injuries**

**Section 275.** No action may be maintained against the city or town on account of injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless it is commenced within one (1) year from the happening or the injury, nor unless notice is first given in writing to the manager or the clerk within thirty (30) days of the injury or damage. The notice shall state the place and time of the injury and that the person injured will claim damages of the city or town. The notice is not required when the person injured is bereft of reason.

**Railroad Companies' Liability for Obstruction in Streets;  
Right of City to Subrogation**

**Section 276.** No railway company or street railway company may, when cleaning their track pile up snow or other material and leave it piled upon any street in the city or town. Any such company is liable to any person injured as a result of any such obstruction for all damages sustained. If damages are recovered against the city or town for injuries caused by such obstruction, the city may recover from the company responsible.

**Survey and Plat for Subdivision**

**Section 277.** (a) When any person subdivides any parcel of ground within the city or town into building lots for the purpose of sale, he shall have it surveyed and platted in accordance with the general laws. When the survey and plats are completed and acknowledged, a copy shall be presented to the city engineer, who shall advise the manager whether it should be accepted or rejected, or a modification directed. The manager shall then present it to the governing body with the recommendation.

(b) When any plat is accepted by the governing body, the clerk shall so certify upon the face of the plat, and it may then be recorded as provided by the general laws relating to the making and filing of plats. All the provisions of the general laws relating to the making and filing of plats shall, except as otherwise provided, apply to the city. No person is entitled to damages for laying out or extension of any street or alley over any lot or parcel of land sold or offered for sale contrary to law.

(c) The acceptance of the plat or addition of any ground, either within or outside the limits of the city or town, does not make it liable to grade the streets therein designated, or responsible for an insufficiency in a street, until the governing body directs they be graded and opened for travel.

**Removal of Snow**

**Section 278.** If the owners or occupants of property within the city fail to promptly remove accumulations of snow, or other obstructions, from the sidewalks or streets or alleys on which their property abuts, when required to do so by ordinance, the manager may have it removed and the cost of removal assessed against the property and shall constitute a lien thereon, to be collected in the same manner as special assessments.

**Power to Install Public Utilities**

**Section 279.** The city or town may install, purchase, construct and operate, any street railway and any gas, water, ice, heat, power, light, or other plant for the furnishing of any commodity or service, or other public utility, and engage in the manufacture, production, purchase and sale of gas, water, ice, coal, heat, power, light or other commodities.

**Disposal of Utilities**

**Section 280.** No public utility owned by the city, whether acquir-

ed prior to the adoption of this article or thereafter, may be sold, leased or otherwise disposed of and no real property may be sold unless the full terms of the sale or other disposition, together with the price to be paid, is published in the official paper of the city or town once a week for three (3) consecutive weeks, before final action of the governing body. The proposition shall then be submitted to a vote of the people for ratification or rejection at the next general municipal election and ratified by at least two-thirds majority vote of electors voting upon the question.

## CHAPTER 5.

### FIRE AND POLICE DEPARTMENTS

#### ARTICLE 1. Civil Service

##### Definitions

**Section 281.** When used in this article, (sections 281-302), the word "commission" means the fire department civil service commission or the police department civil service commission.

##### Commissions Established

**Section 282.** (a) There is hereby established in each incorporated municipality maintaining a paid fire department and having a population of 4,000 or more, according to the latest United States census a fire department civil service commission.

(b) The governing body may, in each incorporated municipality maintaining a paid police department and having a population of four thousand (4,000) or more according to the latest United States census establish a police department civil service commission.

##### Commission Members, Terms, etc.

**Section 283.** Each commission consists of three (3) members who serve without compensation. Each commissioner shall be a qualified elector of the city and serve for a term of three (3) years and until his successor is appointed and qualified. However, of the three commissioners first appointed one shall be for one (1) year, one for two (2) years, and one for three (3) years. They shall be appointed by the mayor and confirmed by the governing body. Not more than one commissioner may be appointed from the governing body, and no officer or employee in the fire or police department is eligible to appointment or service as a commissioner. In the case of a vacancy, or disqualification of any commissioner, the mayor, with the consent of the governing body, may appoint a person to serve during the remainder or unexpired term and until a commissioner is appointed and qualified.

##### Commissioners' Oath

**Section 284.** Before entering on the duties of their offices, all commissioners shall take and subscribe before the clerk of the municipality, an oath or affirmation that in no event will they appoint or remove any person because of his political opinions or for any reason other than the fitness or unfitness of the person. The oaths or affirmations shall be filed with the city clerk.

**Governing Body to Supply Equipment; Expenses**

**Section 285.** The governing body shall furnish the commissions necessary offices, office furniture, books, stationery, blanks, printing, heat, light and supplies. The city clerk is ex-officio clerk of the commissions without extra compensation. Expense incurred before the adoption of the next budget following the organization of any commission may be defrayed from any funds available or included in the next budget.

**Persons Eligible for Appointment; Appointment of Chief**

**Section 286.** (a) Except as otherwise provided, no person may be employed or appointed in the fire or police department except from the list of eligible persons certified by the respective commission to the governing body.

(b) This section also applies to the office of the chief of the fire department. That position is to be considered as a promotion in the department to be gained through competitive examinations and merit, with the applicants to be taken from the next lower grade. However, if applicants from the next lower grade fail to pass the examinations as required, then the commission may receive applications from the next lower grade for examinations for the position.

(c) This section does not apply to the appointment, tenure or office of the chief of police. However, if any member of the police department is appointed chief of police, he shall remain on the list of eligible persons certified and his classification remains the same at the end of his term as chief of police.

**Job Classification; Wages and Hours; Examination of Applicants**

**Section 287.** The commissions shall classify the various employments in their respective departments into classes or schedules based upon the nature of the service to be rendered or duties to be performed. The governing body shall then establish uniform working hours and wages for all employees in each class or schedule, and may regulate the rate of wages and the number of employees in any class or schedule as necessary. The commission shall examine the qualifications of all applicants for eligible ratings in any class or schedule. The examinations shall be supervised by the commission and may be conducted by any member or a person designated by the commission. All examinations shall be impartial and relate only to matters which test the fitness of the persons examined to perform the services required in the class or schedule covered by the examination. The percentage of proficiency and rating based upon examination shall be those approved by the commission.

**Qualifications of Applicants; Examinations**

**Section 288.** Only those persons who are seventy-five (75) per cent or more proficient may be certified for employment, and when certified for employment in a fire department are twenty-one (21) years of age or older and under thirty-three (33). All other things being equal, persons honorably discharged from the military service of the United States shall be given preference. Those examined shall be graded upon their examinations and their approved ratings or

grades entered in a register. Those eligible shall remain on the registers two (2) years without re-examination and certification. However, the commission may, in its discretion, require further examination as to physical fitness, health and age qualifications prior to certifying the applicant to the governing body for employment.

#### **Filling Positions; Provisional Employment**

**Section 289.** When a position is to be filled in either department, the governing body or chief of the department shall request the commission for the names of three (3) eligible persons. Upon request, the commission shall certify the names of the three qualified applicants having the highest percentage of proficiency, one of whom shall be employed. When all persons certified are unsuitable for the position, the commission shall certify additional names, but the reason for certification of the additional names shall be stated in the certificate. If there are no registered eligible applicants the commission may allow provisional employment, or it may authorize the appointive authority to select a suitable person for examination, and if qualified, he shall be certified for employment.

#### **Trial Employment; Reduction in Force; Re-employment**

**Section 290.** The first six (6) months of employment of any person in the classified service is on a trial basis. At the end of that time, if the conduct of the person employed has been satisfactory, he may be permanently employed. If not, he shall be dropped from the register. Employees dropped because of a reduction in force, are eligible for re-employment within two (2) years following the date of their discharge without further examination.

#### **Filling Vacancy in Grade of Officers**

**Section 291.** When any vacancy occurs in the grade of officers, except the chief of a police department, it shall be filled by a competent man from the next lowest grade. The commission shall determine the competency of the person to fill the vacancy.

#### **Temporary Service; Emergency Employees; Report to Commission**

**Section 292.** Employment for temporary service shall follow the same procedure as for permanent employees, except in case of emergency. No emergency employee may continue in service for more than ninety (90) days, and no re-appointment or employment to the same position at the end of the period is allowed unless the emergency employee's name is certified by the commission as provided in section 289. The official making an emergency employment shall report it to the commission within three days, giving the reason, and the probable period of emergency.

#### **Existing Employees; Discharge or Reduction in Grade or Compensation; Charges; Answer; Hearing and Investigation; Records; Retirement Age**

**Section 293.** (a) All persons occupying positions affected by this article may retain their positions until discharged under its provisions.

(b) Discharge from a department, or reduction in grade or

compensation, or both, may be made for any cause, not political or religious, which will promote the efficiency of the service, on written notice and specifications filed with the commission and served upon the person effected by the authority requesting the discharge or reduction. The person whose discharge or reduction is sought shall be allowed a reasonable time to answer the charges in writing and demand a hearing. The commission, after hearing or investigation, shall determine whether the reason for discharge is sufficient and established. No person may be discharged or reduced in pay or rank without consent of the commission after a hearing unless the action is pursuant to a classification program under section 287. A copy of the specifications, notice, answer, consent and order of discharge or reduction shall be a part of the public records of the commission.

(c) When any person in the fire department becomes sixty (60) years of age, the commission shall order that person retired from further service. However, if the person can pass annual mental and physical qualifications tests set by a physician chosen by the commission and governing body and given at no cost to the employee, he may be retained until he becomes sixty-five (65) years of age.

#### **Appeals from Decision of Commission**

**Section 294.** The decision of the commission discharging or reducing any person in rank or pay may be reviewed by the district court upon appeal in the following manner: The appeal shall be taken by filing written notice within ten (10) days after the decision with the clerk of the city or town, and the clerk of the district court in the county in which the city or town is situated. Within ten (10) days thereafter the clerk of the city or town shall file with the clerk of the district court a certified copy of the written complaint, answer, and decision filed in his office. When the notice of appeal is filed with the clerk of the district court, the appellant shall at that time execute and file a sufficient bond in the penal sum of two hundred dollars (\$200.00) with at least two sureties, approved by the clerk and conditioned to prosecute the appeal without delay and, if unsuccessful, to pay all costs to which the city is put by reason of the appeal. Within three (3) days after the notice of appeal is filed in the district court, the appellant shall give written notice thereof to the commission. The notice shall state a time not less than three (3) days after service of the notice when the appellant will call up the cause for hearing and the district court shall, at a time fixed by order of the court or judge thereof, hear and determine the appeal, after a trial de novo, without a jury. An appeal shall lie to the supreme court from the judgment of the district court, as in other civil cases.

#### **Persons not Eligible for Appointment**

**Section 295.** No person may be appointed or employed as a regular policeman or officer of the police department or as a fireman or officer of a fire department who has been convicted of, or against whom any indictment or information is pending for any offense, the punishment for which may be confinement in any penitentiary; or is a notoriously bad character; or is unable to read and write the English language; or lacks ordinary physical courage.

**Order of Lay Off and Re-Employment in Case of Reduction in Force**

**Section 296.** (a) When the force or schedule of employees of a department is reduced, the person last certified for employment in the department shall be the first laid off.

(b) When a disabled, paid fireman, drawing a disability pension, becomes fit for active duty and his disability pension is discontinued within 18 months of date he became disabled, he shall be returned to service on the department without any loss of rank, seniority or other privileges, provided that he has not been discharged or reduced in grade for cause.

(c) Former firemen who have been laid off within two years because of reduction in force, and firemen who have been on a disability pension for more than 18 months but who have thereafter become fit for active duty, shall be given a priority, in the order of their original employment, upon application for any vacancy which cannot be filled by personnel then within the department, provided that such former firemen and such formerly disabled firemen are then persons of good standing and qualified for such vacancy.

**Contributions or Services for Political Purposes Prohibited**

**Section 297.** No officer or employee of a department may discharge or change the amount of compensation of any other officer or employee, or promise or threaten to do so, for giving, withholding or neglecting to make contributions or perform services for any political purpose, or solicit political contributions from any civil service employee.

**Roster of Employees to be Kept; Contents of Roster;  
Commission to have Access to Public Records**

**Section 298.** The commission shall keep at its office a roster showing the name, residence, position, date employed, compensation and duties of each person in the service. The commission shall have access to all public records and papers, the examinations of which aid in keeping the roster.

**Roster of Employees to be Certified; Payment of Salaries**

**Section 299.** The commission shall certify to the city clerk the names of employees in the service, stating in each case the character and date of commencement of service, and any change in service. The governing body shall not allow a bill for service, nor shall the city clerk issue a warrant for the payment of any compensation to any person not so certified.

**Commission and Committee to Make Rules and Regulations;  
Investigations of Violations; Witnesses**

**Section 300.** The commission together with a committee of three (3), designated by the mayor from the governing body, shall adopt and the commission shall enforce all rules and regulations necessary for the government of their proceedings. The commission shall adopt rules for the classification of employment, for the promotion on the basis of merit, experience and good record; and prepare eligibility lists from which vacancies are to be filled. They shall prescribe



the procedure for the investigation of breaches of rules and regulations; they may compel the attendance of witnesses, and do all other things necessary to carry out the purposes and intent of this article.

#### **Interference with Right to Examination or Examination Prohibited**

**Section 301.** No person may wilfully or corruptly, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect to his rights to examination; nor wilfully, corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, or aid in doing so; nor wilfully or corruptly make any false representations concerning the examination or the person examined; nor wilfully or corruptly furnish to any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person examined or to be examined, appointed, employed, or promoted.

#### **Penalty**

**Section 302.** Any person who violates any provision of this article is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one hundred dollars (\$100.00), or imprisonment for not more than thirty (30) days, or both.

### **ARTICLE 2. Pensions and Retirement; Injury or Death Benefits**

#### **DIVISION 1. Firemen.**

#### **Definitions**

##### **Section 303. When used in this division—**

(a) "Paid fireman" means an individual regularly employed and paid by any city or town, or county, for devoting his entire time of employment to the care, operation and requirements of a regularly constituted fire department.

(b) "Volunteer fireman" means an individual who devotes less than his entire time of employment, but who is carried on the rolls of a regularly constituted fire department, the members of which may be partly paid and partly volunteer. Payment of compensation for services actually rendered by enrolled volunteers does not take them out of this classification. Any individual who volunteers assistance but is not regularly enrolled as a fireman, is not a volunteer within the meaning of this division.

(c) "Injured, disabled or killed in the line of duty" means that a paid or volunteer fireman is injured or disabled when he meets with bodily or mental injury while actually engaged in the repair, upkeep or care of fire apparatus, or in the performance of duties prescribed in the maintenance and operation of a fire department.

(d) "Compensation Act" means the Workmen's Compensation Act, sections 27-48 through 27-168, Wyoming Statutes, 1957, and all amendments thereto.

(e) "Twenty years active service" means that an individual's principal means of livelihood for twenty (20) years has been employment by one or more cities or towns, or counties, as a member of a regularly constituted fire department and who has been carried on

the pay rolls for that period of time. Any person so employed immediately prior to entering the armed service of the United States shall be given credit on the twenty (20) years for the period of military service he performs.

(f) "Fireman first class" means the highest salary grade which a fireman can obtain within his department without any promotion in rank. The term specifically excludes chiefs, officers, engineers, fire equipment operators, secretaries, mechanics, inspectors and all other specialized grades, ratings and ranks.

(g) "Maximum monthly salary of a fireman first class" means the gross monthly salary of a fireman first class, including the fullest longevity or additional monthly salary increase for length of service, as established by the city, town or county which employed the retired, disabled or deceased paid fireman. Any increase or decrease of the maximum monthly salary of a fireman first class shall proportionately increase or decrease the first retirement, disability, and death benefit pension payments made after the salary change is certified or proved to the state treasurer by the city, town or county. When so certified or proved, it shall, thereafter, only change the pension payments of paid firemen or former paid firemen of the department affected by the salary change.

**Firemen's Pension Fund; Created; Purpose; Administration; Annual Audit; Source of Funds; Maximum and Minimum; Gifts, Donations, etc.**

**Section 304.** (a) There is hereby created a "firemen's pension fund" for the purpose of paying the awards, benefits and pensions under the provisions of this division. This fund shall be administered by the state treasurer through the workmen's compensation department of Wyoming. The treasurer has full custody and control of the fund with full power over its administration and shall comply with the provisions of sections 9-504 to 9-524, Wyoming Statutes, 1957, as amended, relating to budgets. The state examiner shall make an annual audit of the firemen's pension fund and the receipts thereto and disbursements therefrom and report his findings to the governor. The fund shall be administered without liability on the part of the state beyond the amount of the fund.

(b) Fifty percent (50%) of the gross annual tax collected upon the fire insurance premiums paid to fire insurance companies within the State as provided by section 39-205, Wyoming Statutes, 1957, is hereby set aside and appropriated for the use and benefit of the fund. That amount of tax shall be credited to the fund by the state treasurer upon payment of the tax to him by the insurance commissioner.

(c) The state shall appropriate to the fund as provided in subsection (b) until the fund reaches the amount of Five Hundred Thousand Dollars (\$500,000), at which time the state may suspend payment and may continue so to do as long as the fund remains over Two Hundred Fifty Thousand Dollars (\$250,000), but when the fund drops below that amount, the state shall again appropriate the amount as provided in subsection (b) and continues until the fund reaches its maximum amount.

(d) The state treasurer is hereby empowered to receive and credit to the fund any and all gifts, donations and contributions as may be made by individuals and organizations for the benefit of the fund. The state treasurer is hereby empowered and authorized to invest all fund monies not immediately necessary for disbursements in United States government bonds, state, county, district, and municipal bonds.

**Same—Assessments for Maintenance; Monthly Collections; Participation by Volunteer Firemen**

**Section 305.** In addition to the amount appropriated to the fund by section 304, every paid fireman shall be assessed six per cent (6%) of his salary monthly for the use and benefit of the fund, up to the maximum monthly salary of a fireman first class. The assessment shall be withheld monthly from his salary by the treasurer or other disbursing officer of the city, town, or county, and to further maintain this fund, each city, town, or county employing full time paid firemen shall contribute annually to the pension fund an amount equal to not less than two-tenths ( $\frac{2}{10}$ ths) of one (1) mill, nor more than one (1) mill, on all assessed property therein, as required to meet the demands of the fund. The monthly assessments shall be transmitted to the state treasurer on the first day of each month. Every city, town or county having a regularly constituted fire department of one or more volunteer firemen shall pay into the fund an annual assessment of Five Dollars (\$5.00) for each volunteer fireman of the city, town or county. The governing body of the city, town or county shall pay the assessment on or before the first day of April of each year and provide the names and addresses of each volunteer fireman over which they have jurisdiction. No volunteer firemen may participate in the benefits of this fund unless his annual assessment has been paid.

**Amount of, Qualifications for, Limitations, etc., Retirement Pensions**

**Section 306.** (a) Any person qualifying may retire from active service and receive a monthly pension of fifty percent (50%) of the maximum monthly salary of a fireman first class. The benefit of this division accrues to any paid fireman who has completed twenty (20) years of active service in regularly constituted fire departments of any cities, or towns, or counties, and to any paid fireman suffering from a mental or physical disability rendering him unfit for active duty.

(1) After five (5) years as a full time paid fireman and up to ten (10) years, any fireman upon terminating his employment for any reason shall receive in a lump sum all the money he has contributed to the firemen's pension fund, less one-half of one percent for bookkeeping costs.

(2) After ten (10) years as a full time paid fireman, any fireman upon terminating his employment for any reason may have his choice of, (A) A refund of all the money, in a lump sum, he has contributed into the firemen's pension fund, less one-half of one percent for bookkeeping costs; or (B) Upon the twentieth anniversary of the date of his employment as a full time paid fireman he may draw a monthly pension computed as follows:

Number of years service x fifty percent (50%) of the  
maximum monthly salary of a fireman first class.

Twenty (20)

(3) No fireman shall be entitled to draw a disability pension when the primary cause of the mental or physical disability which renders him unfit for active duty is alcoholism, dope addiction, or an injury incurred as a result of the commission of a crime of a voluntary nature, or a mental or physical condition which existed at the time of his employment. Firemen, employed in violation of the maximum age requirement of Section 288, shall not be qualified to receive a disability pension.

(4) Firemen applying for or drawing a disability pension may be required by the administrator of the fund to submit periodically to a physical or mental examination by physician selected by the administrator and to furnish relevant information requested by the administrator. If the report of the physician, or other evidence available to the administrator, shows that the fireman is not qualified for the disability pension, or that he is fit for active duty, the administrator shall disallow or discontinue the payment of the monthly disability pension. Examining physicians selected by the administrator shall be paid from the fund in accordance with existing workmen's compensation schedules for same.

(5) Any applicant or beneficiary of the Firemen's Pension Fund aggrieved by a disallowance or discontinuance of pension benefits shall have a right to commence an action in the District Court of the county in which the applicant resides, naming the State Treasurer, as custodian of the Firemen's Pension Fund, as the party defendant, to have his rights to pension benefits determined before a judge of said district court.

#### **Death Benefits for Widow and Children of Deceased Active or Retired Fireman**

**Section 307.** (a) When any paid fireman dies from any cause, the state treasurer shall pay a monthly pension of one-third ( $\frac{1}{3}$ ) of the maximum monthly salary of a fireman first class out of the firemen's pension fund to the surviving wife and shall continue to do so during her life or until she remarries. In addition the treasurer shall pay to the surviving wife out of the fund, an amount equal to one-tenth ( $\frac{1}{10}$ ) of the maximum monthly salary of a fireman first class per month for the support and maintenance of each child of the deceased fireman under the age of eighteen (18) years and who was supported by the fireman prior to his death. However, the additional payment for the support of children shall not exceed three-tenths ( $\frac{3}{10}$ ) of the maximum monthly salary of a fireman first class.

(b) If the fireman is a retired fireman drawing his pension at the time of his death, the state treasurer shall pay a monthly pension of one-third ( $\frac{1}{3}$ ) of the maximum monthly salary of a fireman first class out of the firemen's pension fund to the surviving wife and shall continue to do so during her life or until she remarries. In addition, the treasurer shall pay the surviving wife out of the fund the sum of twenty dollars (\$20.00) per month for the sup-

port and maintenance of each child of the deceased retired fireman under the age of eighteen (18) years who was supported by the retired fireman at the time of his death, but not to exceed the total of sixty dollars (\$60.00) per month. The payments for a child shall continue until the child becomes eighteen (18) years of age or marries.

#### **Death Benefits to Dependent Father and Mother of Paid Fireman**

**Section 308.** When any paid fireman dies, leaving no wife or children surviving him, but leaves surviving him a dependent father or mother or both, then the treasurer shall pay, to the mother if there is no father, or to the father if there is no mother, monthly out of the firemen's pension fund an amount equal to one-half of the pension the retired fireman was receiving if retired at the time of his death, or one-quarter the amount of the compensation the fireman was receiving if active at the time of his death. If both father and mother surviving were dependent upon the deceased fireman for support, then the treasurer shall pay to each an amount equal to one-quarter of the pension the fireman was receiving if retired at the time of his death, or one-eighth the amount of compensation the deceased fireman was receiving if active at the time of his death. However, if either the surviving mother or father dies after the payments have started, the treasurer shall pay to the surviving parent the full amount as provided for either father or mother.

#### **Injury or Death Benefits for Widow, Children or Dependent Father or Mother of Volunteer Fireman Injured in the Line of Duty**

**Section 309.** Any volunteer fireman eligible to benefits who is suffering from a mental or physical disability rendering him unfit for active service in a regularly constituted fire department, and if the disability comes within the definition of permanent partial disability, permanent full disability or temporary total disability, of the Compensation Act, and if the disability is the result of an injury, accident or exposure suffered in the line of duty, shall receive from the treasurer out of the firemen's pension fund, such periodic payments as would be payable for the disability of a workman engaged in extra-hazardous occupation under the Compensation Act. When any volunteer fireman dies because of accident or exposure in the line of duty, the treasurer shall pay to the surviving wife out of the firemen's pension fund, such periodic payments as would be payable for the death of a workman engaged in extra-hazardous occupations under the Compensation Act. However, if the wife dies or re-marries or if there is no surviving wife but there are surviving children, then the payments shall be made to the guardian of any dependent child or children of the deceased fireman. When any volunteer fireman, eligible to benefits, dies leaving no wife or children surviving him, but does leave surviving him a dependent father or mother, or both, then the treasurer shall pay to the mother if there is no father, or to the father if there is no mother, out of the firemen's pension fund, such periodic payments as would be payable for the death of a workman engaged in extra-hazardous occupations under the Compensation Act. If both father and mother surviving were dependent upon the deceased fireman for support, the treasurer shall pay out of the fund to each one-half of the amount, in such periodic payments as would be pay-

able for the death of a workman engaged in extra-hazardous occupations under the Compensation Act.

**Application for Benefits; Filing; Investigation, etc.; Petition to District Courts; Appeals**

**Section 310.** When any fireman, his surviving wife, dependent children or dependent parents are entitled to any pension or benefits under this division, the fireman, or in the event of his death, the chief of the fire department, of which he was a member or some other proper person, shall make application by filing a complete and concise statement of the facts necessary to entitle the fireman or his surviving wife or children or parents to the benefits or pension. The application shall be filed with the state treasurer upon forms provided by him. The treasurer has the power to investigate the application and determine whether or not it should be granted, with the further power to hear evidence as to the justice of the application or require and receive affidavits as to the truth of the statements made in the application. If the application is refused, the matter may, by petition, be taken before the district court of the county in which the applicant resides, and notice shall be given the treasurer by the court of the date set for hearing. The decision of the district court is binding upon the treasurer and applicant unless appealed from according to the procedure provided under the Compensation Act.

**Time of Application and Payment of Pensions; Benefits Suspended during Receipt of Workmen's Compensation or Insurance**

**Section 311.** Application for pension may be made prior to actual retirement upon statement of the intention to retire, but payment shall not begin until the applicant has actually retired and his name stricken from the pay rolls of the city or town. No fireman or any of his survivors is entitled to any of the benefits of this division while the fireman or his survivors are receiving payments under the Compensation Act, but when the payments under the Compensation Act terminate, his or their rights to the benefits of this division shall attach. Any fireman who is entitled to the benefits of insurance paid for from the general fund of any city or town as provided in section 313, is not entitled to any of the benefits of this division until the insurance payments have ceased.

**Payment of Benefits; Payments Exempt from Legal Process and Nonassignable**

**Section 312.** Payments made under this division shall be made to the beneficiaries on or before the fifth day of each month and shall be made by voucher drawn against the firemen's pension fund and paid by the state treasurer out of the fund. No payments made under this division are subject to judgment, attachment, execution, garnishment or other legal process and are not assignable, nor shall the treasurer recognize any assignment nor pay over any sum assigned.

**Insurance by Cities Authorized; Minimum Death Benefits**

**Section 313.** Any city or town having an organized volunteer fire department may take out for the protection of the volunteer firemen an accident policy or policies, in some accident insurance

company authorized to do business in the state, and pay the premium therefor out of the general fund of the city or town. The policies shall provide for the payment to volunteer firemen of suitable sums for injuries, and a gross sum of not less than two thousand dollars (\$2,000.00) in case of death.

## **DIVISION 2. Policemen.**

### **Pension Fund; Establishment**

**Section 314.** The governing body of any city or town maintaining a paid police department and having a population of more than four thousand (4,000) in the last federal census, after ten (10) days published notice and a public hearing thereon, may establish a policemen pension fund.

### **Source of Funds**

**Section 315.** The city or town shall levy annually a tax of not less than two-tenths (2/10) of one mill nor more than one mill on all assessed property within the city or town as required to meet the demands on the fund. The proceeds from the levy shall be placed with the city treasurer in a fund known as the policemen pension fund. In addition, six per cent (6%) of the monthly compensation payable to each police officer shall be deducted from his salary by the city treasurer, and placed in the policemen pension fund.

### **Policemen Pension Board; Creation; Composition; Election, Term of Members**

**Section 316.** If a policemen pension fund is established, the governing body and three (3) members elected from the police department shall constitute the policemen pension board to manage the fund as provided in this division. The police department shall elect three (3) regular qualified members to the board every two years. The election shall be held not more than thirty (30) or less than fifteen (15) days before the regular municipal election. Written notice of the nomination of any member of the department for membership on the board shall be filed with the secretary of the board. Each notice of nomination shall be signed by not less than three (3) members of the department, and any member may sign more than three (3) notices of nomination. The election shall be held on a date fixed by the secretary of the board. Notice of the dates upon which notices of nomination may be filed and for the election shall be given by the secretary of the board by posting a written notice in a prominent place in the police department headquarters. The secretary shall furnish printed or typewritten ballots containing the names of all persons nominated for membership, and shall furnish a ballot box for the election. Each member of the police department is entitled to vote for three (3) persons as members of the board. The chief of the department shall appoint two members of the department to act as officials of the election, and they shall receive their regular wages for the day, but no additional compensation. The election shall be held in the police headquarters and the polls shall open at 8:00 o'clock A.M., and remain open so long thereafter, not exceeding twelve (12) hours, as will afford each member of the department an oppor-

tunity to vote. The three (3) nominees receiving the highest number of votes shall be declared elected as members of the board, and their terms shall commence on the same date as does the mayor of the city or town.

**Election of Officers; Duties of Secretary;  
City Treasurer to Furnish Information**

**Section 317.** The mayor is ex-officio chairman and the members of the board shall elect the other necessary officers. The secretary of the board shall make annual reports to the governing body on the condition of the fund, the receipts and disbursements thereto, together with a complete list of the beneficiaries of the fund, and the amount paid to each of them. The city treasurer shall, from the records of his office, furnish the secretary with any pertinent information needed to compile the reports or to furnish the board with necessary information.

**Duties, Meetings, Records, Quorum, etc; List of  
Persons Entitled to Pensions**

**Section 318.** The board shall hold monthly meetings on the third Monday of each month and otherwise upon the call of the chairman. It shall keep a record of its proceedings, which is a public record. At each monthly meeting the board shall send to the treasurer of the city or town a list of all persons entitled to payment from the fund, stating the amount and purpose of the payments. The list shall be certified to and signed by the chairman and secretary of the board, attested under oath. The treasurer of the city or town shall then make out a regular city voucher for each of the persons named in the list, or a city voucher in the manner payrolls are handled in cities with the commission form of government, for the amounts specified, showing the purpose for which it is granted and the vouchers without further individual certification, shall be approved for payment from the available funds of the pension fund by the governing body at the next meeting at which vouchers are handled, and paid in the same manner in which other claims against the city or town are paid. The lists submitted by the board to the treasurer shall be filed in his office as a permanent record. A majority of all the members of the board constitutes a quorum with the power to transact business.

**Power to Compel Witnesses, Pay Expenses and Make Rules  
and Regulations**

**Section 319.** The board has the power to compel witnesses to attend and testify before it upon all matters connected with the operation of this division in the same manner as provided by law for the taking of testimony in courts of record in this state, and the chairman or any member of the board may administer oaths to witnesses. The board may provide for the payment from the fund of all necessary expenses and printing not to exceed five percent (5%) of the annual revenue. However no compensation or emolument may be paid to any member of the board for any duty required or performed under this division. The board may make all necessary rules and regulations for its guidance in conformity with the provisions of this division.



**Retirement for Age or Length of Service; Amount of Pensions;  
Persons with Less than Ten Years' Service**

**Section 320.** (a) When any person duly appointed or selected and sworn as a member in any capacity or rank of the police department of any city or town subject to the provisions of this division becomes sixty (60) years of age, the board shall order that person retired from further service, or when any person has served twenty (20) years with the same police department, he may retire at that time, although not sixty (60) years of age. When the board issues an order of retirement, it terminates the service of the person in the police department, except as provided in cases of emergency, and that person shall during his lifetime be paid a yearly pension equal to two and one-half per cent (2½%) of the average annual salary received during his highest paid five (5) year period, multiplied by the number of years service. However, no pension may exceed sixty-two and one-half per cent (62½%) of the average salary for the five (5) year period.

(b) If for any reason the person leaves the service before completion of ten (10) years of service he shall receive in one sum the amount without interest he has paid into the pension fund. After the completion of ten (10) years service he may have the option of drawing out the money paid in or leaving it until he reaches the age of sixty (60) years and then being eligible to retire under the provisions of this section.

**Retirement for Injury Received in Discharge of Duties;  
Pension; Death of Pensioner; Restoration to Service**

**Section 321.** When any person, while serving as policeman is physically disabled as a result of any bodily injury received in the immediate or direct performance or discharge of his duties the board shall, upon his written request filed with the secretary of the board, or without the written request, if it deems it to be for the benefit of the public, retire that person from the department and order that he be paid from the fund during his lifetime a yearly pension equal to four (4) times the amount of his regular monthly salary, effective at the time of his retirement. On the death of the pensioner no one claiming under him has any claim against the policemen pension fund except for amounts accrued and unpaid at the time of his death. When the disability ceases, the pension shall cease, and the person shall be restored to active service at the same salary he received at the time of his retirement.

**Pension to Surviving Wife and Children**

**Section 322.** (a) Regular policemen. Upon the death from any cause, of any person appointed or selected and sworn as a member in any capacity or rank of the police department of any city or town subject to the provisions of this division, the board shall pay a monthly pension of one hundred twenty-five dollars (\$125.00) out of the funds to his surviving wife, which shall continue during her life or until she remarries. In addition, the board shall pay to the surviving wife out of the fund, the sum of thirty dollars (\$30.00) per month for the support and maintenance of each child under eighteen (18) years of age of the deceased policeman and who was supported by him prior

to his death, but not to exceed the total sum of ninety dollars (\$90.00) per month. The payments shall continue until the child becomes eighteen (18) years of age or marries.

(b) Retired policemen. If the policeman is retired and drawing his pension at the time of his death, and leaves a wife surviving, the board shall pay a monthly pension out of the fund to his surviving wife equal to two-thirds ( $\frac{2}{3}$ rds) of the pension the retired policeman was receiving at the time of his death. In addition, the board shall pay to the surviving wife or legal guardian the sum of twenty dollars (\$20.00) per month out of the fund for the support and maintenance of each child under eighteen (18) years of age of the deceased retired policeman and who was supported by him prior to his death, but not to exceed the total sum of sixty dollars (\$60.00) per month. The payments shall continue until the child becomes eighteen (18) years of age or marries.

#### **Examination of Member Retired for Physical Disability**

**Section 323.** Any person retired for disability may be summoned by written notice to appear before the board at any time thereafter, for examination as to his fitness for duty, and shall abide by the decision and order of the board with reference thereto.

#### **Conviction of Pensioner of Felony**

**Section 324.** When any person receiving any benefit from the fund is convicted of a felony, the board shall order that the pension granted to that person immediately cease, and he shall receive no further pension allowance or benefit under this division.

#### **Application for Pension; Filing; Investigation by Board; Appeals**

**Section 325.** When any policeman, his surviving wife, dependent children or dependent parent are entitled to any pension or benefits under this division, the policeman, or in the event of his death, the dependent shall make application for benefits or pension by filing a complete and concise statement of facts necessary to entitle the applicant to the benefits or pension under this division. The application shall be filed with the board, upon forms provided by them. The board may investigate all applications and determine whether it should be granted, and may hear evidence as to the justice of the application, or require and receive affidavits as to the truth of the statements made in the application. If the application is refused, the matter may be taken before the district court of the county in which the applicant resides. The court shall notify the board of the date set for hearing. The decision of the district court is binding upon the board and applicant, unless appealed from in the manner provided by rules of civil procedure.

#### **Time of Application and Payment of Pensions; Benefits Suspended during Receipt of Workmen's Compensation**

**Section 326.** Application for pension may be made prior to actual retirement, upon statement of the intention to retire, but payment shall not begin until the applicant has actually retired and his name is stricken from the payrolls of the city or town. No policeman or any of his survivors is entitled to any benefits of this division

while the policeman or his survivors are receiving payments under the Workmen's Compensation Act, but when payments under the Workmen's Compensation Act terminate, the pensions of this division shall attach.

#### **Time and Method of Pension Payments**

**Section 327.** Payments under this division shall be made to the pensioner or to his beneficiaries on or before the fifth day of each month, and shall be made by voucher drawn against the policemen pension fund, as provided in section 318.

#### **Penalty**

**Section 328.** Any person who violates any provision of this division is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one hundred dollars (\$100.00), or imprisonment for not more than thirty (30) days, or both.

### **ARTICLE 3. Salaries.**

#### **Maximum and Minimum Salaries**

**Section 329.** (a) Notwithstanding any other general law fixing salaries or granting authority to fix salaries, the minimum salary for full-time policemen and for full-time firemen, in any city or town having a population of more than four thousand (4,000) as determined by the last federal census shall be as follows: Each policeman and fireman shall receive a salary of not less than three hundred dollars (\$300.00) per month, with an increase of twenty-five dollars (\$25.00) per month for each year of service rendered until a monthly salary of three hundred seventy-five dollars (\$375.00) has been reached. Any city or town may pay a salary in excess of three hundred seventy-five dollars (\$375.00) per month. Positions of higher grade or rank in these departments shall be compensated in accordance with the responsibility of the position held, but shall be not less than a total salary of four thousand eight hundred dollars (\$4,800.00) per year for each individual of higher grade or rank.

(b) This section does not apply to a special fireman or policeman temporarily employed, nor to firemen or policemen employed in a department having three (3) men or less.

### **CHAPTER 6.**

#### **LOCAL IMPROVEMENTS.**

#### **ARTICLE 1. General Provisions.**

#### **Definitions**

**Section 330.** When used in this chapter the following terms have the meanings assigned to them:

(a) "Streets" includes streets, highways, alleys, roads and public ways.

(b) "Drains" or "drainage" means all surface sewers, drains, cross street valley gutters and all kinds of draining other than sanitary sewers or conventional gutters.

(c) "Engineer" means the city engineer, town engineer, or any engineer employed by a city or town for local improvement work.

(d) "Improvement" means any local improvement of any kind, including, without limiting sidewalks separate from or combined with curbs and gutters, the cost of which may be assessed upon the property benefited.

(e) "Conventional gutters" means curb and gutter or combined sidewalk, curb and gutter.

**Power to Make Local Improvements and Levy Assessments;  
Effect on Other Laws**

**Section 331.** (a) Any city or town may provide for the making and maintenance of local improvements and levy and collect special assessments on the property specially benefited to pay all or part of cost of the improvement. This chapter without reference to other statutes unless otherwise expressly provided, constitutes the full authority for the exercise of powers herein granted, including but not limited to the making of local improvements, establishing and changing grades, and levy and collection of assessments, and the authorization and issuance of bonds. No other act or law, relating to any city or town, with regard to like matters, that provides for a petition or an election, requires an approval, or in any way impedes or restricts the doing of things authorized to be done by this chapter, shall be construed as applying to any proceedings or acts done pursuant hereto. No board, agency, bureau or official other than the governing body of the municipality may fix, prescribe, modify, supervise or regulate the levy or collection of special assessments or taxes authorized by this chapter, except as expressly provided or necessarily implied, nor supervise or regulate the establishment or modification of grades and the acquisition of any improvement authorized.

(b) It is intended that this chapter provide a separate method of accomplishing its objectives, and not an exclusive one, and it shall not be construed as repealing, amending or changing any other law.

**Powers of Governing Body**

**Section 332.** The governing body of any city or town may when considered expedient, order any improvement or improvements, and determine its character, kind and extent. If the improvement is to be paving, it shall designate the kinds of pavement to be used. It shall provide for the maintenance of an improvement for a specified period not to exceed five (5) years and include the cost of that maintenance in the assessment for making the improvements. It shall levy and collect an assessment upon all lots, parts of lots and parcels of land specially benefited by the improvement to defray all or any part of the cost and expense, and determine what lots, parts of lots, and parcels of land are specially benefited by the improvements, and the amount each of which is benefited.

**Authority of Governing Body Incidental to Street Improvement**

**Section 333.** The governing body of any city or town may lay out, establish, vacate, widen, extend and open streets or parts thereof; appropriate private property for the purpose; and establish or

alter the grade of any street, within the corporate limits. The governing body may determine and provide everything necessary and convenient to the exercise of this authority.

#### **Decision of Governing Body Final**

**Section 334.** The action and decision of the governing body on any matters passed upon by it in relation to any subject covered in this chapter is final and conclusive in the absence of fraud.

#### **Construction of Chapter**

**Section 335.** The rule that statutes in derogation of the common law are to be strictly construed has no application to this chapter, and it shall be literally construed for the purpose of carrying out the objects for which it is intended.

### **ARTICLE 2. Proceedings.**

#### **Proceedings to be Governed by Chapter; Ordinance or Resolution Required**

**Section 336.** (a) When any city or town makes local improvements or establishes or alters the grade of any street at the cost and expense, in whole or in part, of property specially benefited thereby, the proceedings shall be as provided in this chapter.

(b) Any such improvement may be ordered only by ordinance or resolution of the governing body .

#### **Requirements, Form, etc., of Resolution of Intention; Estimates of Cost and Contract Price; Publication of Notice; Property Owners Notified by Mail**

**Section 337.** (a) Any improvement may be initiated directly by the governing body by resolution declaring its intention to make improvements. The resolution shall specify with convenient certainty the streets, street or part thereof proposed to be improved, if the improvements be street improvements, the boundaries of the proposed assessment district, the character, kind and extent of the improvements, and if any improvement is to be paving, the resolution shall specify the kinds of paving to be used. The resolution shall specify an estimate of the cost of the total improvement project and of each proposed assessment unit, if any, and also an estimate of the contract price of the total improvement project. The governing body shall not accept any bids or combination of bids which exceed by more than ten per cent (10%) the estimates of the contract price.

(b) If an improvement will result in a change in existing street elevations or grades, it is sufficient if the resolution of intention so states without a description, directly or by reference, the extent or location of the change.

(c) If any part of an improvement is to be paid out of the general fund or road fund of the city or town or out of funds available to the city or town from any other source, the resolution shall so state. If the improvement is to be maintained by the contractor for a specified period, not to exceed five (5) years, the resolution shall contain a statement to that effect and that the charge for maintenance is to be included in the assessment for the improvement.

(d) The resolution shall fix the time and place, when and where the governing body will meet to consider any and all remonstrances and objections to the proposed improvements, and the time within which remonstrances and objections must be filed with the city or town recorder. It shall direct the recorder to give a fifteen (15) days notice to all legal owners of record of the property liable to assessment for the proposed improvements, by publishing the resolution in one issue of some newspaper published in the city or town once a week or more often, and if no newspaper is published within the city or town then notice may be published in any newspaper of general circulation in the county once a week or more often. In addition to the publication, a copy of the resolution of intention shall be mailed, postage prepaid, at least fifteen (15) days prior to the hearing, to each legal owner of record of the property within the proposed district.

(e) The resolution when published and mailed as a notice shall have the following caption:

"Notice to all persons liable to assessment for the improvement of (state names of streets or if improvement is not to be located in the streets, identify by general character and general location). The governing body of the city (city or town) on the ..... day of ..... passed the following resolution of intention."

The resolution shall be set forth in full immediately after the caption of the notice.

#### **Protests; Petitions**

**Section 338.** At any time within fifteen (15) days from the publication of the resolution of intention, the owners of property situated within the proposed assessment district may file with the city clerk their written objections to the proposed improvement. If protests against the making of the improvements are filed by the legal owners of record of more than one-half of the area of the property subject to assessment therefor, within an assessment district, then the proposed improvements within that district shall be abandoned. No protest will be considered unless filed within fifteen (15) days after the publication of resolution of intention. When any petition is filed signed by the owners of fifty per cent (50%) of the property proposed in the petition to be assessed for any local improvement, the governing body shall proceed with the type of improvement set forth in the petition, following the same procedure as though initiated by resolution.

#### **Governing Body May Act to Carry Out Work**

**Section 339.** Upon the passage and publication of the resolution of intention the governing body has jurisdiction and the right to pass any and all ordinances and resolutions, and to do any and all acts necessary to prosecute the improvement to completion, and to make and levy an assessment to pay therefor.

#### **Governing Body to Proceed with Improvements if Protests Overruled**

**Section 340.** If no remonstrances are made and filed or if all remonstrances filed are overruled by the governing body it shall make

such deletions of, or modifications to, the improvements and deletions of property to be assessed as it considers proper and shall cause the improvements to be begun and prosecuted with reasonable diligence until completed.

**Intervening Parts of Street May Be Improved on Governing Body's Motion; Exception**

**Section 341.** When the improvement proposed is that of a street, either by grading or re-grading, paving or re-paving, macadamizing or re-macadamizing, graveling or re-graveling, constructing crosswalks, gutters, curbs, or providing for surface drainage, and not more than two blocks remain unimproved in the street between improvements either already made or proposed to be made, the governing body may on its own motion cause the intervening or unimproved part to be improved. The improvement of that part shall not be stayed, defeated, or prevented by any remonstrance or other objection, unless the governing body considers the remonstrance or objection proper to stay or prevent the improvement.

**Ordinance Showing Action or Remonstrance and Ordering Improvement**

**Section 342.** (a) Upon the hearing of the resolution of intention, if the governing body decides to proceed with the improvement, it shall pass an ordinance, which shall recite the passage of the resolution of intention; the date of the hearing; and whether or not remonstrances were filed; and if any were filed, the action of the governing body thereon.

(b) The ordinance shall also order the improvements, describe the improvements proposed to be made, and shall direct the city engineer to prepare plans and specifications therefor.

(c) The ordinance shall also fix the boundaries of the assessment district, which shall include all property to be assessed for the improvements.

**ARTICLE 3. Plans, Specifications and Contracts.**

**Plans, Specifications and Cost Estimates; State or City Contracts; Proceeding Without Contract; Call for Bids; Cooperation with Federal Government**

**Section 343.** (a) Immediately upon the passage of the ordinance, the city engineer shall prepare and file with the city clerk, plans, specifications, and estimated cost of the improvements, which shall show in detail the work to be done, the quantities of material to be handled, and the estimated cost of the improvements, and shall be approved by the governing body by motion or resolution.

(b) The improvements may be made under contracts, or as a part of a contract, publicly let by the State or any agency thereof, or by the city or town in the manner provided in this section and Section 344, or the city or town may make the improvements with its own equipment, labor and materials, without contract, or any combination of methods may be followed. If the improvements are to be made by municipal contracts, the city clerk shall call for bids

by publishing a notice in at least one issue of some newspaper published within the city or town or within the county in which the city or town is located and in such other papers as the governing body may provide in the ordinance.

(c) The improvements may be made with the cooperation and assistance of the United States government or any agency or subdivision thereof, and the city or town may take advantage of any offer from any source to complete the improvements on a division of expense or responsibility.

**Contents of Notice and Call for Bids; Bid Check or Bond; Guarantee and Maintenance Bonds; Opening Bids and Awarding Contracts**

**Section 344.** The notice and call for bids as provided in section 343, shall contain in substance, the following:

(a) The streets or parts thereof to be improved where the improvements are to be street improvements.

(b) The general kind of improvement proposed to be made and whether it is to be maintained for a specified period, but in no event for more than five (5) years by the contractor.

(c) The time within which bids will be received and the place where they shall be filed.

(d) That a certified or cashier's check or bid bond, in the sum of five per cent (5%) of the amount of the bid must be filed with the bid, to be forfeited to the city or town as liquidated damages if the bidder is awarded the contract and fails to enter into a contract with the city or town within five (5) days from his notification.

(e) The successful bidder shall perform the work and furnish a bond guaranteeing the faithful performance of the work and a maintenance bond, if required by the governing body which shall be furnished at the time of signing the contract. The guarantee and maintenance bond may be a single instrument.

(f) The bids shall be opened by the governing body and the contract or contracts shall be awarded to the bidder or bidders who in its opinion are the lowest and best responsible bidders. The governing body may reject any and all bids.

(g) Upon the letting of the contract or contracts to the successful bidders, the governing body shall by motion or resolution order the mayor or clerk or some other officer of the city or town to execute a written contract or contracts on behalf of the city or town, with the successful bidders. The refusal of any official or officer of the city or town to execute the written contract or contracts does not affect the validity of the contract or contracts and the governing body may order some other city or town official or officer or one of its members to execute the written agreement or agreements, in place of the official or officer refusing to do so.

**ARTICLE 4. Assessments and Bonds Generally.**

**When Grades May Be Established or Altered; Cost**

**Section 345.** If the notice provided for in section 337, is in



whole or in part to establish or alter a grade, the governing body may, after the expiration of giving the notice as provided in section 339, establish it by ordinance or resolution. The cost of establishing or altering the grade of any streets, highway, avenue, road or alley, may be paid out of the general funds of the city or town or may be specially assessed.

**Levy of Assessment on Property; Costs and Expenses to be Included**

**Section 346.** When the contract or contracts for any improvements have been awarded, or the city or town has determined to construct the improvements by use of its own equipment, labor and materials, or any of them, or avail itself of any state or federal program contributing to the cost of the improvement, the city engineer shall forthwith, or at the council's discretion, upon the completion of the improvements, levy an assessment upon the property included in the district. The assessment shall include as a part of the cost, the contract price, or the estimated costs of construction, together with the expense of engineering, inspection, advertising, and levying and collecting assessments, and all other charges which the city or town may have incurred, or expects to incur, in the making and financing of the improvements, or the portion of the costs designated by the governing body to be defrayed by special assessments.

**Items of Cost to be Assessed**

**Section 347.** When any authorized local improvement is ordered, there shall be included in the cost and expense thereof to be assessed against the property specially benefited and included in the district created to pay all or any part thereof, the cost of that portion of the improvement included within the limits of any street intersection space or spaces; the estimated cost and expense of inspection, tests, materials or work and of all engineering and surveying necessary for the improvement done under the direction of the city or town engineer; ascertaining the ownership of the lots or parcels of land included in the assessment district; advertising, mailing and publishing all notices; and all accounting and clerical labor, books and blanks expended or used by the city or town comptroller and the city or town treasurer in connection with the improvements.

**Property to be Included in Assessment District; Alternative Methods of Computing Assessments; Combining Improvements in One District**

**Section 348.** (a) The assessment district shall include all the property benefited by the improvement or improvements, as determined by the governing body, including municipal and other public property, except that of the United States government or any agency, instrumentality or corporation thereof, in the absence of the consent of congress. If the improvement district includes unplatted or undivided land the distance back from the improvement for computing assessments and fixing the assessment lien shall be the same as the distance back in the immediately adjoining platted area.

(b) Assessments shall be computed by one or more of the following methods:

(1) Each one-half block or fraction thereof within the district contiguous to each street, alley, avenue, boulevard or parkway

in or along which the improvement or improvements are to be made, shall be divided, irrespective of number and location of lots, into three (3) equal subdivisions parallel to such street, alley, avenue, boulevard or parkway to be improved. The subdivisions shall be numbered one (1), two (2), and three (3) respectively, beginning next to the street, alley, avenue, boulevard or parkway. The total assessment for each half-block or fraction thereof abutting on either side of each street, alley, avenue, boulevard or parkway to be improved, as fixed by the governing body, shall be apportioned as follows:

(A) Subdivision number one (1)—Sixty per cent (60%).

(B) Subdivision number two (2)—Thirty per cent (30%).

(C) Subdivision number three (3)—Ten per cent (10%).

(2) Each one-half block contiguous to each street, alley, avenue, boulevard or parkway in or along which the improvement or improvements are to be made shall be assessed on an area basis, so that the assessment against each piece of property assessed shall be in the proportion that the square footage of that piece of property bears to the total square footage of the assessable property within the half-block.

(3) Each piece of property abutting on the street, alley, avenue, boulevard or parkway in or along which the improvement or improvements are to be made shall be assessed on a lineal foot basis so that the total assessment against each piece of property shall be in the proportion that the abutting lineal footage of that piece of property bears to the total abutting lineal footage of the property to be assessed for the same improvement or improvements.

(4) Each piece of property which the governing body reasonably determines to be benefited by the proposed improvement, regardless of whether the improvement is located in and along a street, alley, avenue, boulevard or parkway, and regardless of whether the property lies within the half-block abutting the improvement, shall be assessed on an area basis, or lineal foot basis, or any other uniform basis so that property similarly benefited will be similarly assessed.

Regardless of the method or methods of computation selected by the governing body, and notwithstanding the provisions made for computation to the center of the block or within the half-block, the assessment may be levied and the assessment lien thereby made to attach, upon all of a piece of benefited property so as to avoid the imposition of a lien upon a part of a subdivided lot or parcel under common ownership and use. In the case of any irregular-shaped or non-uniform block or lot, tract, parcel of land or other unit of property to be assessed, an appropriate adjustment may be made, so that the assessment there against shall be in proportion to the special benefits derived.

(5) More than one improvement may be combined in a single local improvement district when the governing body determines that such a combination is both efficient and economical. If the combination of improvements are separate and distinct by reason of substantial difference in their character or location, or otherwise, the estimated costs of each improvement shall be segregated for the levy

of assessments and an equitable share of the incidental costs allocated to each improvement. In the absence of arbitrary or unreasonable abuse of discretion, its determination of the portion of the project constituting a separate improvement for purposes of segregation is conclusive.

(6) Each city and town may adopt all ordinances and resolutions necessary to levy and collect the special assessment and providing for the manner of sale, redemption and conveyance of lands sold for non-payment of special assessments.

**Assessment Roll to be Filed; Hearing; Notice; Action by Governing Body; Objections; Amendments; Certification of Roll**

**Section 349.** (a) When an assessment roll for local improvements has been prepared it shall be filed with the clerk of the city or town. The governing body shall then fix a date for hearing upon the roll before it and direct the clerk to give notice of the time and place of the hearing. Any person may object to the roll in writing and file the objections with the clerk, on or before the date of the hearing. At the time and place fixed and at such other times to which the hearing may be continued, the governing body shall sit as a board of equalization to consider the roll. At the hearing, or hearings, the governing body will consider the objections or any part thereof, and correct, revise, raise, lower, change or modify the roll or any part thereof, or set it aside and order that the roll assessments be made de novo, in a manner appearing just and equitable, and then proceed to confirm the roll by ordinance. The notice of the hearing shall be published at least twice, by two weekly publications, in a newspaper of general circulation in the city or town. However, at least fifteen (15) days must elapse between the date of the first publication and the date fixed for the hearing.

(b) The notice shall also be given by the clerk, or his deputy by deposit of the notice, at least fifteen (15) days prior to the date fixed for hearing in the United States mails, postage prepaid, as first-class mail, addressed to the last-known owner or owners of each tract being assessed, addressed to their last-known addresses. In the absence of fraud the failure to mail any notice does not invalidate any assessment or any proceedings under this chapter. Any list of names or addresses pertaining to any district may be revised from time to time, but it need not be revised more frequently than twelve (12) month intervals. Any mailing of notice prescribed by this chapter shall be verified by the affidavit or certificate of the person mailing the notice, and the verification shall be retained in the records of the city or town at least until all assessments and bonds pertaining thereto have been paid in full.

(c) All objections to the roll shall state clearly the grounds of objections and unless made within the time and in the manner prescribed are conclusively presumed to have been waived. When any roll is amended so as to raise any assessments, or to include omitted property, a new time and place for hearing, and a new notice of hearing on the amended roll shall be fixed and given as in the case of an original hearing. However, when any property has been entered originally upon the roll and the assessment upon the property has not been raised, no objections thereto may be considered by the governing

body or by any court on appeal, unless they were made in writing at or before the date fixed for the original hearing. When an assessment roll has been confirmed, it shall be certified to by the city clerk and transmitted to the city treasurer for collection.

### **The Assessment Lien**

**Section 350.** The charge on the respective lots, tracts, parcels of land and other property, for the purpose of special assessments, to pay the cost and expense, in whole or in part of any improvement authorized in this chapter, when assessed and the assessment roll confirmed by the governing body, shall be a lien upon the property assessed from the time the assessment roll is placed in the hands of the officer authorized by law to collect the assessment. The lien shall be paramount and superior to any other lien or incumbrance whatsoever, created before or after except a lien for assessments for general taxes.

### **Appeals from Decisions of Governing Body**

**Section 351.** The decision of the governing body upon any objections made within the time and in the manner prescribed, may be reviewed by the district court upon appeal in the following manner. The appeal shall be taken by filing written notice of appeal with the clerk of the city or town and with the clerk of the district court in the county in which the city or town is situated within ten (10) days after the ordinance confirming the assessment roll becomes effective. The notice shall describe the property and set forth the objections of the appellant to the assessment. Within ten (10) days after filing the notice of appeal with the clerk of the district court, the appellant shall file with the clerk of the district court, a transcript consisting of the assessment roll and his objections thereto, together with the ordinance confirming the assessment roll, and the record of the governing body with reference to the assessment. The transcript, upon payment of the necessary fees, shall be furnished by the city or town clerk and certified by him to contain full, true and correct copies of all matters and proceedings required to be included in the transcript. The fees shall be the same as the fees payable to the clerk of the district court, for the preparation and certification of transcripts on appeal to the supreme court in civil actions. At the time of the filing of the notice of appeal with the clerk of the district court, the appellant shall execute and file with the clerk of the district court a sufficient bond in a penal sum of two hundred dollars (\$200), with at least two sureties, to be approved by the judge of the court, conditioned to prosecute the appeal without delay and, if unsuccessful, to pay all costs to which the city or town is put by the appeal. The court may order the appellant upon application, to execute and file such additional bond or bonds as the case may require. Within three (3) days after the transcript is filed in the district court the appellant shall give written notice to the head of the legal department of the city or town, and to the city clerk, that the transcript is filed. The notice shall state a time (not less than three days from the service thereof) when the appellant will call up the cause for hearing. The district court shall, at that time or at such further time as may be fixed by order of the court or judge thereof, hear and determine the ap-

peal without a jury. The cause has preference over all civil causes pending in the court except proceedings under acts relating to eminent domain in cities and towns, actions of forcible entry and detainer, and irrigation water cases. The judgment of the court, shall confirm, correct, modify or annul the assessment in so far as it affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer having custody of the assessment roll, and he shall modify and correct it in accordance with the decision. An appeal may be taken to the supreme court from the judgment of the district court, as in other cases. However, the appeal must be taken within fifteen (15) days after the date of the entry of the judgment in the district court and the record and opening brief of the appellant shall be filed in the supreme court within sixty (60) days after the appeal has been taken. The time for filing the record and service and filing of briefs may be extended by order of the district court, or by stipulation of the parties. The supreme court, on appeal may correct, change, modify, confirm, or annul the assessment in so far as it affects the property of the appellant. A certified copy of the order of the supreme court upon appeal shall be filed with the officer having custody of the assessment roll, who shall thereupon modify and correct such assessment roll in accordance with the decision.

#### **Proceedings on Assessment Roll Conclusive Unless Formal Objection Filed; Exception**

**Section 352.** When any assessment roll for local improvements has been confirmed by the governing body, the regularity, validity and correctness of the proceedings relating to the improvement, and to the assessment, including the action of the governing body upon the assessment roll and its confirmation is conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceedings by any person not filing written objections in the manner provided, and not appealing the confirmation of the assessment roll in the manner provided. No proceeding of any kind may be commenced or prosecuted to defeat or contest any such assessment, or the sale of any property to pay an assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor, except injunction proceedings to prevent the sale of any real estate on the grounds that the property about to be sold does not appear upon the assessment roll, or that the assessment has been paid.

#### **Time of Payment; Interest; Penalty**

**Section 353.** The city or town shall, in the ordinance confirming the assessment roll prescribe the time within which the assessment, or installments thereof, shall be paid, and provide for the payment and collection of interest thereon, at a rate not to exceed eight (8) per cent per year. Assessments or installments thereof, when delinquent, in addition to interest shall bear a penalty of not more than five (5) per cent, as prescribed by general ordinance. Interest and penalty shall be included in, and made a part of, the assessment lien. All local assessments becoming a lien upon any property in any city or town shall be collected by the treasurer, and all such liens shall be enforced in the manner provided. However, in cities and towns other than cities of the first class, delinquent assessments, or delin-

quent installments thereof, shall be certified to the treasurer of the county in which the city or town is situate and by him entered upon the general tax rolls and collected as other general taxes are collected. The county treasurer shall remit to the city treasurer on the tenth of each month all sums so collected.

#### **Sale for Delinquent Assessments**

**Section 354.** (a) Any city or town may by general ordinance provide for the sale of property described in any local assessment roll, after the assessment or any installment has become delinquent, for the amount of the delinquent assessment, or installment, together with penalty and interest accruing to date of sale; for the costs of such sale; for the execution and delivery by the treasurer of the city or town of certificates of sale to the purchaser; and for the execution by the treasurer of an assessment deed to the person entitled.

(b) The treasurer shall give notice of such sales by publishing a notice once a week for three (3) consecutive weeks in a newspaper published within the city or town, or if there is none, then in a newspaper of general circulation within the county. The notice shall contain a list of all property upon which assessments are delinquent with the amount of the assessments, interest, penalties and costs to date of sale, including the cost of advertising the sale, together with the names of the owners of such property, or the words "unknown owners", as they appear upon the assessment roll. The notice shall specify the time and place of sale, and that the property described will be sold to satisfy the assessments, interest, penalties, and costs due upon it. All such sales shall be made between the hours of ten o'clock A.M. and four o'clock P.M. and shall take place at the front door of the building in which the governing body holds its sessions. The sale shall be continued from day to day, omitting Sundays and legal holidays, until all the property described in the assessment roll on which any assessment, or installment is delinquent and unpaid, is sold. All sales shall be public, and each lot, tract or parcel of land, or other property, shall be sold separately and in the order in which they appear upon the assessment roll.

(c) All lots, tracts and parcels of land and other property sold for delinquent and unpaid local assessments, shall be sold to the first person at the sale offering to pay the amount due on the lot, tract or parcel of land or other property. If there is no bidder for any lot, tract or parcel of land, or other property, for a sum sufficient to pay the delinquent and unpaid assessment thereon, or installment thereof, with interest, penalty and costs, the treasurer shall strike it off to the city or town for the whole amount which he is required to collect by the sale. If any bidder to whom any property is stricken off at the sale does not pay the assessment, interest, penalty and costs before ten o'clock A.M. of the day following the sale, the property must then be resold, or if the assessment sale is closed, be deemed to have been sold to the city or town, and a certificate of sale shall be issued to the city or town therefor.

#### **Return of Sale**

**Section 355.** Within fifteen (15) days after the completion of the sale of all property described in the assessment rolls, and authoriz-

ed to be sold, the treasurer shall make return to the comptroller, or other officer by whom the warrant was issued for the sale, with a statement of his action thereon, showing all the property sold by him, to whom sold and the sums paid for each.

#### **Certificate of Sale; Custodian**

**Section 356.** (a) After receiving the amount of the assessment, penalty interest, costs and charges, the treasurer shall make out a certificate, dated on the day of sale, stating (when known) the name of the owner as given on the assessment roll, a description of the land or other property sold, the amount paid therefor, the name of the purchaser, that it was sold for the assessment, giving the names of the streets, or other brief designation of the improvement for which the assessment was made, and specifying that the purchaser is entitled to a deed two (2) years from the date of sale, unless redemption is made. The certificate shall be signed by the treasurer, and delivered to the purchaser who shall record it in the county clerk's office in the county in which the lands or other property is situated within three (3) months from the date thereof. If not recorded within that time, the lien thereof shall be postponed to claims of subsequent purchasers and incumbrances for value and in good faith who become such while it is unrecorded.

(b) The city or town comptroller, if there is such, and if not then the city or town clerk, shall be the custodian of all certificates for property sold to the city or town. At any time within two (2) years from the date of a certificate and before redemption of the property, he shall sell and transfer any certificate to any person who presents to him the treasurer's receipt evidencing payment of the amount for which the property described was stricken off to the city, with interest subsequently accrued to the date of payment. The comptroller or clerk may, if authorized by the governing body, sell and transfer any certificate in like manner after the expiration of two (2) years from the date of the certificate.

#### **Assessments to be Separate Fund; Use**

**Section 357.** All moneys collected by the treasurer upon any assessments under this chapter shall be kept as a separate fund, to be known as "local improvement fund, district No. ....", or by any other appropriate designation approved by the governing body, and be used for the retirement of any obligation or debt created in the construction of the improvement.

#### **Liability of Treasurer and Surety for Error in Return**

**Section 358.** If the treasurer receives any moneys for assessments, giving a receipt therefor, for any property and afterward returns it as unpaid, or receives any money after making such return, and the property is sold for assessment which has been so paid and receipted for by himself, his clerk, assistant or deputy, he and his bond are liable to the holder of the certificate given to the purchaser at the sale for the amount of the face of the certificate, and legal interest which shall be demanded within two (2) years from the date of sale and recovered in any court of competent jurisdiction. No city or town is liable to the holder of any certificate.

**Record of Payment**

**Section 359.** When the amount of any assessment, with interest, penalty, costs and charges accrued thereon, is paid to the treasurer before the sale of any property, he shall mark it paid, with the date of payment on the assessment roll. When any property sold for any assessments is redeemed the treasurer shall enter it as such with the date of redemption on the roll. Such records shall be made on the margin of the roll opposite the description of the property.

**Property Bid In by City or Town**

**Section 360.** When any property is bid in by, or stricken off to any city or town under any proceeding of this chapter the property shall be held in trust by the city or town for the fund of the improvement district for which the assessment was levied to the extent of the assessment or installment for which the property was sold, with penalty, accrued interest, and interest on the installment to time of next call for bonds or warrants. However, the city or town may at any time after receiving a deed pay the fund the amount of the delinquent assessment for which the property was sold and all accrued interest and interest to the time of the next call for bonds or warrants issued against the assessment fund at the rate provided, and thereupon take and hold the property discharged of the trust.

**Sale of Property Held in Trust**

**Section 361.** (a) Any city or town may at any time after the period of redemption has expired and deeds have been issued to the city or town by virtue of any proceedings under this chapter, sell any such property at public auction to the highest bidder for cash. No bid may be accepted for any amount less than the amount set forth in the deed, plus accrued interest to date of sale, computed on the assessment for which the property was sold from the date of the execution of the deed, and all delinquent assessments and taxes against the property with accrued interest, penalties, costs and other charges. The city or town shall pay into the fund for which the property was held in trust an amount necessary to fully cancel the assessment for which the property was sold, together with all interest thereon.

(b) Any such sale shall be conducted only after notice describing the property has been given, and stating that the city treasurer will, on the day specified, sell the property at the front door of the building in which the governing body holds its sessions, between the hours of ten o'clock A.M. and four o'clock P.M. and continue the sale from day to day, or withdraw the property from sale after the first day if he deems that the interests of the city or town so require. The notice shall be published at least five times in a daily newspaper published within the city or town, or if there is none, then at least twice in a newspaper mentioned in section 337. At least fifteen (15) days shall elapse between the date of the last publication of the notice and the day the property is sold.

**Redemption and Deed of Property Sold for Assessment**

**Section 362.** (a) Any property sold for an assessment shall be subject to redemption by the former owner, or his grantee, mortgagee,



heir, or other representative at any time within two (2) years from the date of the sale upon the payment to the treasurer for the purchaser of the amount for which the property was sold, with interest at the rate of twelve per cent (12%) per year, together with all taxes and special assessments, interest, penalties, costs and other charges, thereon paid by the purchaser at or since the sale, with like interest thereon. Unless written notice of taxes and assessments subsequently paid, and the amount thereof, is deposited with the city or town treasurer, redemption may be made without their inclusion. On any redemption being made, the treasurer shall give to the redemptioner a certificate of redemption, and pay over the amount received to the purchaser of the certificate of sale or his assigns. If no redemption is made within the period of two (2) years, the treasurer shall, on demand of the purchaser or his assigns, and the surrender to him of the certificate of sale, execute to the purchaser or his assigns, a deed for the property. No deed may be executed until the holder of the certificate of sale has notified the owners of the property that he holds the certificate, and that he will demand a deed therefor. The notice shall be given by personal service upon the owners. However, if the owners are non-residents of the state or cannot be found within the state after diligent search, then the notice may be given by publication in a newspaper of general circulation within the city or town once a week for three successive weeks. The notice and return thereof, with the affidavit of the person, or in case of a city or town, of the comptroller or clerk, claiming a deed, showing that service was made, shall be filed with the treasurer. If redemption is not made within sixty (60) days after the date of service, or the date of the first publication of the notice, the holder of the certificate of sale is entitled to a deed. The deed shall be executed only for the property described in the certificate, and after payment of all delinquent taxes and special assessments, or installments, and certificates of delinquency or other certificates issued for special or local assessments, whether levied, assessed or issued before or after the issuance of the certificates of sale. Any deed may be issued to any city or town for the face amount of the certificate of sale, plus accrued interest, costs, penalties and charges, and be held by the city or town subject to the liens of general taxes and special assessments.

(b) The deed shall be executed in the name of the city or town by which the improvement was made; shall recite in substance the matters contained in the certificate of sale, the notice to the owner, and that no redemption has been made of the property within the time allowed by law. The deed shall be signed and acknowledged by the city or town treasurer, as such, and is prima facie evidence that the property was assessed according to law; that it was not redeemed; that due notice of demand for deed had been given, and that the person executing the deed was the proper officer. The deed is conclusive evidence of the regularity of all other proceedings from the assessment, up to and including the execution of the deed, and shall convey the entire fee simple title to the property described, except as otherwise provided for cities and towns, stripped of all liens and claims except assessments for local improvements or installments thereof, not delinquent.

**Foreclosure of Delinquent Assessments**

**Section 363.** Any city or town may proceed with the collection or enforcement of any delinquent assessment, or delinquent installment in an action brought in its own name in the district court in the county in which the city or town is located. It is not necessary to bring a separate suit for each piece or parcel of property delinquent, but all or any part of the property delinquent under any single assessment roll, or assessment district, may be proceeded against in the same action, and all or any of the owners or persons interested in any of the property may be joined as parties defendant in the action to foreclose, and all or any liens for delinquent assessments or installments, may be foreclosed in the proceeding. The proceeding shall be tried before the court without a jury. In any such proceeding, it is sufficient to allege the passage of the ordinance providing for the improvement, the making of the improvement, the levying of the improvement assessment, the confirmation thereof, the date of delinquency of the assessment or installment, and that it was not paid prior to the delinquency or at all. The assessment roll and confirmatory order, or authenticated copies are prima facie evidence of the regularity and legality of the proceedings connected therewith, and the burden of proof is upon the defendants. In any action where the owners or parties interested in any particular lot, tract or parcel of land or other property included in the suit suffer a default, the court may enter judgment of foreclosure and sale as to those parties and property and order execution thereon, and the action may proceed as to the remaining defendants and property. The judgment of the court shall specify separately the amount of the assessment or installment, with interest, penalty and costs, chargeable to the several lots, tracts and parcels of land and other property in the proceedings. The judgment has the effect of a separate judgment, and any appeal shall not invalidate or delay it except as to the property which is the subject of the appeal. In entering judgment the court shall decree that such lots, tracts or parcels of land or other property be sold to enforce the judgment and execution shall issue for the enforcement of the decree. Judgment may be entered as to any one or more lots, tracts or parcels of land or other property involved, and the court may retain jurisdiction of the case as to the balance. All proceedings supplemental to judgment, including appeal, order of sale, period of redemption, sale, and the issuance of deed shall be conducted in accordance with the law relating to property sold upon foreclosure of real estate mortgages.

**Enforcement of Subsequent Liens Authorized**

**Section 364.** When the assessment upon property is payable in installments, the enforcement of the lien of any installment by any method authorized in this chapter does not prevent the enforcement of the lien of any subsequent installment when it becomes delinquent. Any city or town may provide by ordinance that, upon failure to pay any installment when due, the entire assessment shall become due and payable and the collection enforced in the manner prescribed.

**Certificates of Delinquency**

**Section 365.** (a) Any city or town may, by ordinance, provide for the issuance of certificates of delinquency for any and all delin-

quent assessments or installments and any penalty and interest thereon to date of issuance. The certificates of delinquency constitute a lien against the property upon which assessments were levied, and shall bear interest from the date of issuance at the rate of twelve per cent (12%) per year and may be foreclosed after two (2) years from the date of their issuance in the same manner and with the same effect as mortgages upon real estate are foreclosed. The certificates may be issued to the city or town, or may be sold to any person applying for them. They may be assigned in writing, and the city or town may sell and assign any and all certificates issued to it upon the payment of the principal and accrued interest, in cash. A certificate is prima facie evidence that the land against which it was issued was subject to the assessment at the time assessed, that the property was assessed as required by law, and that the assessment or installment was not paid prior to the issuance of the certificate.

(b) No certificate of delinquency may be issued upon any property for any assessment or installment during the pendency of any proceedings in court affecting the assessment or installment thereof.

#### **Procedure to Place Previously Omitted Property Upon Assessment Roll**

**Section 366.** (a) When by mistake, inadvertence or for any cause property otherwise subject to assessment has been omitted from the assessment roll the governing body may, upon its own motion or upon the application of the owner of any property within the assessment district, assesses it according to the special benefits accruing to the omitted property because of the improvement, and in proportion to the assessments levied upon other property within the district.

(b) In any such case, the governing body shall first pass a resolution setting forth that certain described property was omitted from the assessment, and notifying all persons who may desire to object to appear at a meeting of the governing body at a time specified in the resolution, and directing the proper board, officer or authority to report at or prior to the hearing the amount which should be borne by each such lot, tract or parcel of land or other property omitted. The resolution shall be mailed and published in the manner provided for the giving of notice in section 337. After the hearing, the governing body shall consider the matter as though the property had been included upon the original roll, and may confirm all or any portion thereof by ordinance. The roll of omitted property shall then be certified to the treasurer for collection as other assessments.

#### **Fees for Issuance of Certificates and Deeds**

**Section 367.** The city or town treasurer shall charge fifty cents (\$.50) for the issuance of each certificate of sale and each certificate of delinquency, and one dollar (\$1) for each deed.

#### **Lien of Purchaser**

**Section 368.** The purchaser at any sale authorized in this chapter acquires a lien on the property bid in by him for the amount paid plus all taxes and delinquent assessments, or delinquency, and all interest, penalties, costs and charges thereon whether levied before or after the sale whether for state, county, city or town purposes, and paid by him. The purchaser is entitled to interest at the rate of twelve

per cent (12%) per year on the original amount paid by him from the date of the sale and upon subsequent payments from the date of payment of the respective amounts.

**Local Assessments to be Paid Prior to Action to Foreclose Lien;  
Bid In by County**

**Section 369.** (a) The holder of any certificate of sale or delinquency for general taxes shall, before commencing any action to foreclose the lien pay in full all local assessments or installments outstanding against the whole or any portion of the property included in the certificate, or he may elect to proceed to acquire title to the property subject to certain or all local assessment liens thereon, in which case the complaint, decree of foreclosure, order of sale, sale, certificate of sale and deed shall so state. If the holder pays the local assessments, he is entitled to twelve per cent (12%) interest per year on that amount from the date of payment.

(b) In any action to foreclose a lien for general taxes upon any property, a copy of the complaint shall be served on the treasurer of the city or town in which the property is located within five (5) days after it is filed. When any property is struck off to or bid in by the county at any sale for general taxes, and the property is subsequently sold by the county, the proceeds of the sale shall first be applied to discharge in full the lien or liens for general taxes for which the property was sold, and the remainder, or the amount necessary, shall be paid to the city or town to discharge all local assessment liens upon the property. Any surplus shall be distributed among the proper county funds.

**Limitation of Actions**

**Section 370.** An action to collect any special assessment or installment for local improvements of any kind, or to enforce the lien of any such assessment or installment, whether brought by a city or town or by the holder of any certificate of delinquency, or by any other person having the right to bring the action, shall be commenced within ten (10) years after the assessment has become delinquent, or within ten (10) years after the last installment has become delinquent.

**Reassessments—Authorized; Governing Body to Act**

**Section 371.** (a) When special assessments for local improvements have failed to be valid in whole or in part for any reason, the governing body may re-assess the assessments and enforce their collection in accordance with the provisions of law and ordinance existing at the time the re-assessment is made. When, on account of any mistake, inadvertence or other cause, the amount assessed is not sufficient to pay the cost and expense of the improvement made and enjoyed by the owners of property in the assessment district, the governing body shall make re-assessments on all property in the assessment district to pay for the improvement. The assessment to be made according to the provisions of law and ordinance existing at the time of its levy. Any city or town may assess or re-assess all property which the governing body finds to be specially benefited to pay the whole or any portion of the cost and expense of any local improvement whether or not the property so assessed or re-assessed

abuts upon, is adjacent to, or proximate to the improvement, or was included in the original assessment district. The right to assess all property found to be specially benefited also applies to any supplemental assessment or re-assessment which the city or town finds necessary to make to provide for any deficiency in any local improvement district fund caused by the invalidity of any portion of the original assessment in the improvement district, or where for any cause the amount originally assessed is not sufficient to pay the cost of the improvement.

(b) When any assessment for any local improvement whether an original assessment, assessment upon omitted property, supplemental assessment or re-assessment is declared void and its enforcement refused by any court, or for any cause is set aside, annulled or declared void by any court, either directly or by virtue of any decision of the court, the governing body shall make a new assessment or re-assessment upon the property which has been or will be benefited by the local improvement, based upon its actual cost at the time of its completion.

**Same—Ordinance to be Passed; Effect of Contract, etc.; Collection**

**Section 372.** (a) The governing body of any city or town shall proceed with any assessment authorized by section 371 by ordinance so ordering, and directing the preparation of an assessment roll. The roll may include any property specially benefited by the improvement, whether or not it was included in the original assessment district. When assessed the additional property becomes a part of the local improvement district and all payments of assessments shall be paid into the local improvement fund to pay for the improvement.

(b) The fact that the contract has been let or that the improvement has been made and computed in whole or in part does not prevent the making of the assessment, nor does the omission, failure or neglect of an officer to comply with the provisions of law or ordinance of the city or town, as to petition, notice, resolution to improve, estimate, survey, diagram, manner of letting contract or execution of work, or any other matter connected with the improvement and the first assessment thereof, operate to invalidate or in any way affect the making of any assessment authorized by section 371. However, the assessment shall not exceed the actual cost and expense of the improvement, together with the accrued interest thereon, and the cost of the re-assessment. It is the intent of this chapter to make the cost and expense of local improvements payable by the property specially benefited thereby, notwithstanding the proceedings of the governing body, board of public works or other board, officers or authority of the city or town may be found irregular or defective, whether jurisdictional or otherwise. When the assessment is completed, all sums paid on the former attempted assessment shall be credited to the property for which they were paid.

(c) In any case where any property within the original local improvement district is not affected by any assessment authorized by section 371, it need not be entered upon the assessment roll.

(d) After certification of the roll to the treasurer of the city

or town for collection, the same time for payment of assessments, without the imposition of any penalties or interest, and the notice that the assessments are in the hands of the treasurer for collection, shall be given as in the case of an original assessment. After delinquency the penalty and interest shall be charged as on original assessment. When the original assessment for the improvements was payable in installments, the new assessment, after delinquency, may be divided into equal installments and made payable as the governing body in the ordinance ordering the new assessment may prescribe.

#### **Provisions as to Assessment Rolls to Apply**

**Section 373.** All the provisions of assessments authorized by section 371 relating to the filing of assessment rolls; time, place, notice and conduct of hearing; the confirmation of the roll; the time when assessments become a lien upon the property assessed; the proceedings on appeal from any assessment; the method of collecting assessments and all proceedings for enforcing the lien shall be conducted the same as in the case of an original assessment.

#### **Time for Reassessments or Supplemental Assessments**

**Section 374.** No city or town has jurisdiction to proceed with any re-assessment or supplemental assessment unless the ordinance ordering it is passed by the governing body within three (3) years from the time the original assessment for the improvement was finally held to be invalid, insufficient or for any cause set aside, in whole or in part, or held void or its enforcement denied directly or indirectly by the courts. Or in the case of supplemental assessments within three (3) years from the time that it was finally determined that the total amount of the valid assessments levied and assessed on account of any improvement was insufficient to pay the whole or that portion of the cost and expense to be paid by special assessment.

#### **Payment by City or Town When Assessment Insufficient**

**Section 375.** If the amount collected by assessment is insufficient to pay the cost of the improvement, the governing body may authorize the payment of the deficit out of the permanent improvement fund.

#### **Local Improvement Bonds—Method of Issuance; Form; Interest, etc.**

**Section 376.** The governing body of any city or town may, in their discretion, provide by ordinance for the issuance of bonds for the payment of the whole or any portion of the cost and expense of any local improvements, as provided in this chapter. The bonds may be issued to the contractor, or be issued and sold as otherwise provided. The bonds shall be issued only pursuant to ordinance, and by their terms shall be made payable on or before a date not more than ten (10) years from the date of issuance, and shall bear interest as provided in the ordinance, not to exceed eight per cent (8%) per year, payable annually or semi-annually. Each bond shall have interest coupons attached to it for each interest payment. The bonds shall be in the denominations provided in the ordinance and be numbered from one upwards, consecutively in each series. Each bond and coupon

shall be signed by the mayor, countersigned by the treasurer and attested by the clerk or comptroller. Printed facsimile signatures of those officers may be used on the coupons. Each bond shall have the seal of the city or town affixed to it and refer to the improvement for which they are issued and the ordinance ordering their issuance. Each bond shall provide that the principal and interest is payable out of the local improvement fund created for the payment of the cost and expense of the improvement, and not otherwise. No bonds may be issued in any amount in excess of the cost and expense of the improvement.

**Cost to be Assessed Against Property; Installment Authorized; Interest**

**Section 377.** When any city or town issues bonds to pay the cost and expense of any local improvement, the cost and expense shall be assessed against the lots, tracts, and parcels of land and other property liable and the ordinance levying the assessment shall provide that the sum charged against each may be paid during the thirty-day period as provided in section 384. Thereafter, the sum remaining unpaid may be paid in equal annual or semi-annual installments for a period of years equal to that which the bonds issued to pay for the improvement run, with interest upon the whole unpaid sum at a rate fixed by ordinance.

**Civil Action by Bondholder in Case of Nonpayment**

**Section 378.** If the city or town fails, neglects, or refuses to pay the bonds or to promptly collect any assessment when due, the owner of any bonds may proceed in his own name to collect the assessments and foreclose the lien in any court of competent jurisdiction. The bondholder shall recover five per cent (5%) in addition to the amount and interest thereon, together with the cost of the suit. Any number of holders of the bonds for any single improvement may join as plaintiffs and any number of owners of the property on which they are a lien may be joined as defendants in the suit.

**Remedy of Bondholders Limited to Enforcement of Assessments or Payment from Local Improvement Fund**

**Section 379.** No holder or owner of any bond issued under this chapter has any claim against the city or town, except from the special assessment made for the improvement for which the bond was issued, or from the local improvement fund of the city or town. His remedy in case of non-payment, is limited to the enforcement of the assessments, or for payment out of the local improvement fund. A copy of this section shall be plainly written, printed or engraved on each bond issued.

**Payment; Notice of Payment**

**Section 380.** The city or town treasurer shall pay the principal and interest on bonds issued out of the respective local improvement funds from which they are payable. When there is sufficient money in any local improvement fund over the amount required for the payment of maturing principal and interest to pay the principal of one or more bonds, which are subject to redemption on the next

interest payment date, the treasurer shall call in and pay those bonds in numerical order. Notice of the call shall be made by publication in a newspaper of general circulation within the city or town, or by mail to the holder, if known, thirty (30) days prior to the date of call and shall state that bonds No. .... (giving the serial number or numbers of the bonds called) will be paid on the call day and interest on those bonds shall cease upon that date.

#### **Indebtedness Not Considered Within Debt Limit**

**Section 381.** The indebtedness created by the issuance of any warrants or bonds provided in this chapter are not within the limitation of indebtedness of any city or town.

#### **Revolving Local Improvement Fund Authorized; Source of Funds; Amount Collected**

**Section 382.** When the governing body determines that improvements constructed in any local improvement district confer general benefits on the city or town it may create concurrently a fund to be known as the revolving local improvement fund. In payment for such benefits and to meet the financial requirements of the revolving fund, the city or town shall advance annually to the credit of the fund from the proceeds of city or state gasoline or state cigarette license taxes collected or received by it, a sum of not less than two percent (2%) of the total amount of the bonds issued for the local improvement district for a period of ten (10) years or for the length of time necessary to pay all bonds issued, which ever is the shorter. In no event may the fund exceed twenty percent (20%) of the outstanding bond obligations of the district.

#### **Transfer From Revolving Fund to Local Improvement Fund**

**Section 383.** The city or town shall withdraw annually from the revolving fund and deposit in the local improvement district fund sufficient money to meet the difference between the principal amount of assessments due that year and the amount of assessments actually collected that year. Delinquent assessments shall remain liens upon the property assessed, and when they are enforced or foreclosed the proceeds of the sales, or other payments discharging the delinquencies, shall revert to the revolving fund in repayment of the amounts advanced. When there is money in the local improvement fund which is not required for the payment of any bond or interest of the local improvement fund, and after all bonds and interest have been fully paid, the money remaining in the local improvement fund shall, by order of the governing body, be transferred to the revolving fund for disposition as the governing body may determine.

#### **Redemption From Assessments; Notice of Collection; Time of Issue of Bonds; Payment of Assessments**

**Section 384.** The owner of any lot, tract or parcel of land or other property charged with any assessments may redeem it from all or any portion of the liability for the contract price of the improvement by paying the entire assessment or any portion thereof charged against the lot or parcel of land, without interest, within thirty (30) days after notice to him of the assessment. The city or town treasurer shall, as soon as the assessment roll has been placed in his hands



for collection, publish the notice in a newspaper of general circulation within the city or town, for ten (10) consecutive or two (2) consecutive weekly issues that the roll is in his hands for collection and that any assessment thereon or any portion of any assessment may be paid at any time within thirty (30) days from the date of the first publication of the notice without penalty, interest or costs. The bonds shall not be issued prior to the expiration of thirty (30) days, but may be issued at any time thereafter. The governing body may provide that the owner of any lot or parcel of land may redeem it from all liability for the unpaid amount of the assessment at any time after the thirty (30) days by paying all the installments of the assessment remaining unpaid, with interest thereon to the date of the maturity of the installment next falling due. When any sum is paid as provided in this section it shall be paid to the city treasurer, or to the officer whose duty it is to collect the assessments, and all sums so paid shall be applied solely to the payment of the cost and expense of the improvements or the redemption of the bonds issued.

#### **Installment Collection Required Unless Assessment Paid Within Thirty Days of Notice; Due Date; Delinquency**

**Section 385.** Unless the assessment against any parcel is paid within thirty (30) days after the notice it shall be collected in installments as provided in section 353. The first installment becomes due one (1) year from the date of confirmation and other installments become due on the succeeding anniversary dates. Each installment becomes delinquent unless paid when due.

#### **Validity of Local Improvement Assessment**

**Section 386.** When the governing body has made any contract for any local improvement or makes any assessment against property within any local improvement district and has in making the contract or assessment acted in good faith and without fraud the contract and assessment is valid and enforceable and the assessment shall be a lien upon the property involved. No objection to the validity of the contract or assessment may be made on the ground that the contract for the improvement was not awarded in the manner or at the time required by law; nor is it an objection to the validity of the assessment that it was made by an unauthorized officer or person, if it has been confirmed by the governing body; nor is it an objection to the legality of the contract or assessment that it is based upon a front foot basis or upon a basis of benefits to the property within the district unless it appears that the city or town authorities acted fraudulently or oppressively in making the assessment. All assessments made by the city or town authorities in good faith are hereby declared to be valid and in full force and effect, and to be collectible in the manner provided by law for the collection of assessments.

#### **Payment of Assessments by Joint Owner**

**Section 387.** When any local assessment, or installment thereof, is paid, or any certificate of sale redeemed, or any judgment paid by any joint owner of any property assessed for any local improvement, the joint owner may, after demand and refusal, by an action brought in the district court, recover from each of his co-owners the respective amounts of the payment which each co-owner should bear,

with interest thereon at ten per cent (10%) per year from the date of the payments, and the costs of the action. The joint owner making payment has a lien upon the undivided interest of his co-owners in the property from date of payment.

#### **Assessment Paid in Error**

**Section 388.** When any person through error or inadvertence, pays any local assessment, or installment thereof, upon the lands of another, the payor, may, after demand and refusal, by an action in the district court, recover from the owner of the lands the amount paid and costs of the action.

#### **Correction of Errors in Proceedings; Warrants for Payment of Contractor**

**Section 389.** (a) It is the duty of the governing body, and it shall by any subsequent proceedings correct any mistakes, errors, or irregularities in any of the proceedings mentioned in this chapter.

(b) After any local improvements have been commenced, the city or town engineer shall prepare an estimate of the work done each month, upon which the governing body shall order the recorder to draw a negotiable warrant in favor of the contractor upon the special assessment fund for an amount equal to ninety per cent (90%) of the monthly estimate, the remaining ten per cent (10%) to be paid the contractor upon completion and acceptance of the work. The warrants shall bear interest at the rate of six per cent (6%) per year after presentation and nonpayment for want of funds, and are payable only out of the special assessment fund.

#### **Jurisdiction Retained by Governing Body**

**Section 390.** (a) The governing body may continue the hearing upon any petition or resolution or remonstrance, provided for in this chapter and shall retain jurisdiction until it is fully disposed of.

(b) The governing body does not lose jurisdiction over the making of any improvements, the making of any assessment or the issuance of any bonds or any other matter provided for in this chapter by reason of any adjournment, delay, error, or irregularity on the part of any member of any city or town officer.

#### **Extra Work Authorized; Payment**

**Section 391.** Extra work in connection with any local improvements not particularly provided for in the plans, specifications, estimates, bids and contract, shall be performed by the contractor at the direction of the city engineer at a cost of labor and materials, plus fifteen per cent (15%) for superintendence. The amount shall be included in the assessment for the improvement or be paid out of the general or road funds of the city or town in the discretion of the governing body.

#### **Description of Property; Joint Owners to Pay Proportional Tax; Notice to Transferees, etc.**

**Section 392.** It is sufficient in any case to describe the lot or piece of ground as it is platted or recorded, or described in any official record, although it belongs to several persons, but the owner of any

part may pay his proportion of the tax to be determined by the city treasurer. Any purchaser, assignee, or transferee of any property subject to assessment in any improvement district, after the publication of the notice of intention to create the improvement district, is held to notice thereof and of all proceedings with reference thereto the same as owners of the property at the time of the notice or proceedings.

#### **Improvements, Repair, etc., of Streets Along Railway**

**Section 393.** (a) All railway and street railway companies shall make or reconstruct all or such portions of all paving, graveling or macadamizing between the rails of their tracks and one foot outside thereof at their own expense as the city or town may require. The improvement or the reconstruction shall be of the material and character ordered by the city or town and shall be done at the same time that the rest of the improvement is made or reconstructed. No work on the improvement along the railway or street railway may be permitted to delay or interfere with the work of the general improvement of the street, and no use may be made of that portion of the railway or street railway, without the written permission of the city engineer, during the progress of the work or until the improvement is safe for use and open for traffic by the city engineer.

(b) When the improvement is being constructed or reconstructed the companies shall lay in the best approved manner, such rails as the governing body may require. The companies shall keep and maintain the paving, graveling and macadamizing between their rails and one foot outside thereof and the rails up to the surface grade of the improved street, according to the plans and survey of the city therefor and all in good repair, using the same material as is used for the original improvement or such other material as the governing body may order. When the improvement of any street is being constructed or reconstructed the companies shall raise or lower their tracks and rails to conform to the grade established by the city or town for the improvement. If any railway or street railway company fails or refuses to comply with an order, resolution or ordinance of the governing body to make, reconstruct, maintain or repair an improvement, the work may be done by the city and the cost and expense thereof shall be assessed against the company and upon its real estate and personal property within the corporate limits of the city or town and the franchise granted to the company, in the manner provided for the assessment of such cost against other property. The assessment may be collected in the manner provided for other assessment or in a direct proceeding in the district court. Where the cost of any part of the improvement of any street is charged against any railway or street railway company or its property, plans and specifications for that part of the improvement shall be included in the plans and specifications filed by the city engineer for the improvement of the other portions of the street. The bids therefor shall be called for by the city or town in connection with the bids for the remainder of the improvement and received showing the cost per square yard separately from the cost per square yard of the other portion of the improvement. If done by the city or town, the cost shall be determined separately from the cost of the other portions of the improvement. At any time after the advertisement for bids for graveling, macadam-

izing or paving of any street or streets occupied by any railway or street railway, they shall file with the governing body a statement indicating whether they refuse to construct or reconstruct the improvement or whether they desire the city or town to do the improving and charge the cost against the company. The instrument shall be filed not more than three (3) days after the opening of the bids for the work, and if the instrument is not filed within that time, it shall be deemed a refusal to do the improving themselves and a request for the city or town to construct it and assess the cost to the company. Special improvement warrants or bonds may be issued for the construction or reconstruction or maintenance of an improvement, the cost of which is assessed to the company.

(c) Railway or street railway companies as used in this section include the owner or owners of any railway or street railway whether persons or corporations.

(d) When any tracks or rails of any railway or street railway are laid or relaid upon any street or streets improved by paving, graveling or macadamizing, the company shall do the work under the supervision of the city engineer and in such a manner as to injure the improvement as little as possible and shall reconstruct those portions removed or injured by them so that the street is left in as good a condition as it was before.

#### ARTICLE 5. Sidewalks

##### **Contracts for Construction Authorized Where Population 4,000 or More; Notice to Property Owners**

**Section 394.** Any first class city or any town having population 4,000 or more may provide by ordinance for letting to the lowest responsible bidder for any period, not exceeding one (1) year, as prescribed by the ordinance, a contract for the construction, in accordance with specifications prepared by the city engineer and approved by the governing body, of all cement or concrete sidewalks which the governing body may order constructed under this article during the term of the contract. The contractor shall give bond for the performance of his contract as required by the ordinance. The ordinance shall provide that upon ordering the construction of any such sidewalk the city engineer or the street commissioner shall immediately give written notice thereof, served personally on the owner or owners, or agents of the abutting property, or by publication once a week for a period of four weeks in a newspaper of general circulation within the city or town, fully describing the termini, course, width and character of the walk ordered. The notice shall provide for a period of thirty (30) days during which parties so desiring may construct the walk abutting their property, and that all the walks so ordered remaining unbuilt at the expiration of the thirty (30) days from the date of service, or of the first publication, shall be constructed by the contractor. The ordinance shall also provide that at the expiration of the thirty (30) days the city engineer or the street commissioner shall notify the contractor to build the portions of the sidewalk ordered that have not been built. The contractor shall construct the sidewalk in accordance with the ordinance and his contract within sixty (60) days after he is so notified.

**Cost to be Assessed Against Fronting Property; Costs to be Included**

**Section 395.** The total cost of all sidewalks constructed by the city contractor under this article, (which shall include that of the sidewalk proper as well as that of any notice, curbing, grading, hand-railing, private crossing and all other necessary expenses), shall be assessed by the governing body by motion, resolution or ordinance, as a special assessment against the property in front of which the sidewalk is built. The property occupying street corners shall be assessed for that part of the sidewalk thereon which is within the street intersection.

**Assessments Payable in Installments; Improvement Warrants; Collection of Assessments**

**Section 396.** All costs and expenses of building any sidewalk under this article, shall be defrayed by special assessment payable in installments and extending over a period of four (4) years. The governing body may issue special improvement warrants for the installments and levy assessments to pay them. The assessments shall be collected as other city taxes.

**Interest on Payments; Duties of City Treasurer**

**Section 397.** Simple interest at the rate of six per cent (6%) per year from the date the governing body issues special improvement warrants shall be collected on all payments and as each becomes due, the interest on all deferred payments also becomes due. The city treasurer shall receive payment in full and give receipts for the entire special assessment of this character on any property with interest to the date of payment when tendered by the owner or agent. Upon receipt of any entire payment the city treasurer shall give notice thereof in writing to the proper tax authorities.

**Intention of Article to Provide Supplementary Legislation**

**Section 398.** Any city or town authorized by this article may proceed in the matter of sidewalk construction either under this article or under the provisions of law already in force in regard to sidewalk construction, or partly under the provisions of this article and partly under the older provisions of law. It is the intention of this article to supplement but not to supersede or otherwise affect other provisions of law with regard to powers of first class cities in relation to sidewalks.

**ARTICLE 6. Street Lighting Districts****Authorized for Cities or Towns of More than 8,000; Cost of Installation to be Paid by Abutting Property Owners; Assessments; Cost of Maintenance to be Paid by City or Town**

**Section 399.** The governing body of any city or town having a population of more than eight thousand (8,000) may create lighting districts in the business portions thereof embracing any street or avenue or portion thereof and abutting property and require the cost of installing the system to be paid by the owners of the property abutting upon a street or avenue within the district, including any street or other railway therein, and assess and collect the cost of the

installation by special assessment against that property. The cost of maintenance of the lighting system shall be paid by the city or town at large.

#### **Special Assessment for Construction**

**Section 400.** The entire cost of erecting and maintaining the posts shall be borne by property which abuts upon a street or avenue within the district. Each parcel of land so abutting shall be assessed in the proportion which the street frontage of the parcel bears to the street frontage of the entire district. The owner of any street or other railway upon a street or avenue within the district, shall be assessed for not more than one-sixth ( $1/6$ ) of the entire cost and expense of the installation as the governing body may determine.

#### **Procedure by Governing Body**

**Section 401.** When the governing body desires to create a special lighting district it shall propose a resolution designating the number of the district and describing its boundaries. The resolution shall state the character and number of posts to be erected, the character of the lights to be maintained, an estimate of the cost of posts and erection, the proportion of the cost to be assessed against abutting property, including a street or other railway, and the time the governing body will hear objection to the final adoption of the resolution. The proposed resolution shall be published at least five (5) times in a daily newspaper of general circulation within the city or town, or in a weekly newspaper in four (4) issues. The first publication of the resolution shall be made not less than thirty (30) days before the date set for hearing objections. Any owner or agent of any lot or parcel of land or property to be assessed within the district may appear in person or by counsel at the hearing and show cause, if any, why the district should not be created and lights installed and maintained as provided in this article. If objections are made to the creation of the district by owners or agents representing more than one-half of the total number of lineal feet frontage of all the property which would be assessed to defray the cost of such installation, the district shall not then be created. Not less than six (6) months thereafter a resolution for the same or similar purpose covering the same territory may again be considered after notice and proceedings as provided for consideration of the original resolution. If sufficient objections are not made, a majority of members of the governing body voting in its favor shall adopt the resolution. The governing body may by contract, procure and erect the posts required for the maintenance of the lights or require the street commissioner, or other official of the city or town to do so, in the manner provided by the governing body. When the posts have been installed the governing body shall provide for the maintenance of the lights and pay the expense of the maintenance. All posts shall be of uniform size and character and be distributed uniformly upon the street or avenue or section thereof to be lighted.

#### **Method of Levying the Assessment**

**Section 402.** The governing body shall estimate the cost of erecting and furnishing the posts and on or before the first Monday in November of each year adopt a resolution levying and assessing

all of the property embraced within the district with the entire cost of installing the lighting system. Each lot or parcel of land in the district shall be assessed for that part of the whole cost of the installation which its linear feet bordering the street, avenue or alley, bear to the total number of lineal feet abutting the streets, avenues or alleys included within the special district, and levying and assessing against any street or other railway upon a street or avenue or portion thereof included in the lighting district not to exceed one-sixth ( $1/6$ ) of the total cost of installing the lighting system, as determined by the governing body. The resolution shall contain a list describing each lot or parcel of land, and any street or other railway with the name of the owner thereof, if known, and the linear number of feet fronting or abutting upon the street or avenue to be lighted or otherwise assessable and the amount levied thereon. The resolution, signed by the mayor and city clerk shall be kept on file in the office of the clerk. A notice signed by the city clerk stating that the resolution levying the assessment to defray the cost of installing the lighting system, as determined by the governing body, is on file in his office, subject to inspection for a period of five (5) days, shall be published at least once in a newspaper of general circulation within the city or town. The notice shall state the time and place at which objections to the final adoption of the resolution will be heard by the governing body. The hearing shall not be less than five (5) days after publication of the notice. At the time fixed, the governing body shall meet and hear all objections and for that purpose may adjourn from day to day, and may modify the resolution in whole or in part. A copy of the resolution as finally adopted, certified by the clerk, must be delivered within two (2) days after its passage to the city treasurer, and within five (5) days after the receipt thereof the treasurer shall by written notice, mailed or otherwise delivered, notify each owner of the property assessed of the amount of assessment, specifying the purpose for which the levy is made, and the tax against each lot or parcel of land, and the date it becomes delinquent.

#### **Lights to be Maintained by City or Town**

**Section 403.** The lights in each district shall be maintained at the expense of the city or town by contract in the manner provided by the governing body.

#### **Cost of Maintenance**

**Section 404.** The cost of maintaining the lighting system shall be paid out of the fund designated by the governing body.

#### **Assessment a Lien Upon the Property**

**Section 405.** Any special assessment levied together with all costs and penalties shall constitute a lien upon the property assessed from the date of the final passage of the resolution levying the assessment. The lien may be enforced as provided by law for the enforcement of other liens.

#### **Errors in Description or Name Not to Vitiate Liens**

**Section 406.** No mistake in the description of the property or

the name of the owner vitiates the liens unless it is impossible to identify the property from the description.

#### **Existing Provisions Applicable**

**Section 407.** All remedies, provisions and means provided by existing laws or by the ordinances of any city or town availing itself of the provisions of this article, for the correction of errors or omissions in the adoption of any resolution or proceeding, or in the levy of any assessment, or its collection, or for the enforcement of any levy by sale of the property against which any assessment is made, or for the redemption of property from sale, or otherwise applicable to the administration of this article are available the same as if they were made a part of this article.

#### **Posts Already Installed**

**Section 408.** If, before the creation of any lighting district posts have been installed at the expense of any owners of property therein, which conform in size, character and location to the requirements of the governing body, it may adopt those posts and out of the funds raised to defray the cost of obtaining and installing posts for the district may pay the owners of the posts so adopted.

#### **Discontinuation of District**

**Section 409.** If at any time after the creation of any special lighting district, a petition is presented to the governing body, signed by the owners or agents of more than one-half of the total number of linear feet of the property fronting or abutting upon any street or avenue or portion thereof, included within the district, asking that it be discontinued, the governing body shall, by resolution, provide for discontinuing the maintenance and operation of the lighting system. However, if the governing body has, prior to the presentation of the petition, entered into any contract for the maintenance and operation of the system, it shall not be discontinued until the contract expires.

### **CHAPTER 7.**

#### **PUBLIC IMPROVEMENTS**

##### **ARTICLE 1. General Provisions.**

#### **Improvements Authorized**

**Section 410.** In addition to all other powers provided by law, any city or town may make public improvements, for which bonds may be issued to the contractor, or be sold as provided in this chapter:

(a) To pave any street or streets in front or adjacent to any public hospital or institution within the city or town;

(b) (i) To establish, construct, purchase, extend, maintain and regulate a system of water works, for the purpose of supplying water for extinguishing fires and for domestic, manufacturing and other purposes. To carry out this power, or to prevent pollution or injury to the streams, springs or source of supply of its water works, ditches or reservoirs, any city or town may go beyond its corporate



limits and take, hold and acquire property by purchase or otherwise and may take and condemn all necessary land and property in the manner provided for the condemnation of real estate by railroad companies. Jurisdiction of a city or town shall extend up and along the stream or source of supply for the entire distance occupied by such water works, ditches or reservoirs.

(ii) Cities or towns may enact ordinances and make all necessary rules and regulations for the government and protection of their water works, ditches and reservoirs, and fix water rates and provide for their collection. All water rent collected except the amount required to pay the expense of maintaining, extending, and improving the water works, shall become a part of the water bond fund, and be applied only to the payment of the principal and interest of the bonds issued for the construction, purchase, maintaining or extension of the water works;

(c) To establish, construct, purchase, extend, maintain and regulate a system of ditches, aqueducts and reservoirs, for supplying water to its inhabitants, and for its streets, parks and public grounds for irrigation purposes. To carry out this power a city or town has the same jurisdiction and right of condemnation as provided in subsection (b) of this section, and prescribe and regulate rates for the use of water and enact ordinances for their enforcement and collection;

(d) To establish, construct, purchase, extend, maintain and regulate a system of sewerage;

(e) To establish, maintain and regulate electric light plants and electric power plants to supply the inhabitants with electric lights and power, to light the streets, highways and public buildings, and supply power for water works and other municipal owned works and utilities;

(f) To establish, construct, purchase or extend electric transmission lines or electric power lines, to carry electric current to the city or town, from the place the current is obtained;

(g) To erect, construct or purchase buildings for housing its fire extinguishing equipment and for the use of its fire department and officers in the transaction of their official business;

(h) To contract for, purchase and hold lands and water rights, and to erect thereon amusement halls and buildings to be used for public parks and grounds for the use, benefit and enjoyment of the public. To enact ordinances, and make all necessary rules and regulations for the protection, maintenance and beautifying of any park located within or without the limits of the city or town. To establish parks on lands outside the corporate limits with power to purchase and hold it, if the lands are within thirty (30) miles of the city or town limits;

(i) To designate, establish, construct, purchase, extend, maintain and regulate arterial streets and highways, highway viaducts and subways within the corporate limits of the city or town;

(j) To acquire lands for the construction and equipment of municipal incinerators, within or without the corporate limits;

(k) To establish and defray the cost of purchasing land for, and the erection of a city library or additions to existing city libraries, or to establish art galleries or museums;

(l) To establish and defray the cost of purchasing land for, and the construction of swimming pools, wading pools, and other related recreational facilities.

(m) To plan, design, prepare for, acquire any needed or useful real or personal property for, construct, maintain, repair or replace any lawful improvement, development, project, or other activity of any kind whatsoever, or to participate, join or cooperate with other governments or political subdivisions, departments, or agencies thereof, for which funds may be borrowed from the United States of America or the State of Wyoming, or any subdivision, department, or agency or either. To plan, design, prepare for, acquire any needed or useful real or personal property for, construct, maintain, repair or replace any lawful improvement, development, project, or other activity of any kind whatsoever, and to participate, join and cooperate with other governments or political subdivisions, departments, or agencies thereof, for which funds may be borrowed from the United States of America or the State of Wyoming, or any subdivision, department, or agency of either.

**Borrowing or Issuance of Bonds Generally Authorized;  
Specifications as to Bonds; Elections**

**Section 411** (a) Any city or town may borrow money and issue coupon bonds to any amount not exceeding the limitation provided in section 419 for the purposes enumerated in this Article. The amount of bonds may be any multiple of one hundred dollars (\$100) as provided in the ordinance authorizing their issuance, and shall bear interest at a rate not exceeding six per cent (6%) per year, payable annually or semi-annually at a place and in the manner as the ordinance provides. The bonds may be redeemable after ten (10) years, and payable in not more than thirty (30) years, after the date of their issuance, or payable serially, as provided in section 9-625, Wyoming Statutes, 1957. However bonds issued by a city or town to establish, construct, purchase or extend a system of sewerage may mature and be payable at any time not more than forty (40) years from their date or the estimated life of the improvement whichever is shorter.

(b) No bonds may be issued for the purpose provided in this article until the proposition to issue them has been submitted to, and approved by, the qualified electors of the city or town at a regular or special election which shall be called, conducted, canvassed and returned in the manner provided for municipal bond elections by the general election laws of Wyoming.

**Borrowing or Issuance of Bonds for Recreational Facilities  
Authorized; Specifications as to Bonds; Election**

**Section 412.** Any city or town may borrow money and issue coupon bonds in any amount which together with the municipal indebtedness but not including sewerage, water supply and school bonds, do not exceed four per cent (4%) of the assessed valuation of the city

or town to acquire, lease, purchase, equip, construct, develop, improve, or enlarge public recreational facilities. The bonds shall be in the denomination of one hundred dollars (\$100), or multiples thereof and bear interest at a rate of not more than six per cent (6%) per year payable semi-annually, at a place and in the manner the governing body provides. The bonds shall be in a serial form with last maturity not more than twenty (20) years after the date of issue and may be redeemable at the option of the city or town at any time to be designated by the governing body as provided in section 9-625, Wyoming Statutes, 1957.

**Borrowing or Issuance of Bonds for Firehouse, Fire Equipment and Town Hall Authorized; Specifications as to Bonds; Elections**

**Section 413.** Any city or town may borrow money and issue the coupon bonds in any amount not exceeding at one time, two per cent (2%) of the assessed valuation of the city or town to acquire and purchase supplies, equipment and apparatus for fire prevention and control and to erect, construct, or purchase buildings for housing its fire extinguishing equipment and for the use of its fire department and city or town officers in the transaction of their official business. The bonds shall bear interest at a rate of not more than six per cent (6%) per year, payable semi-annually, and be of the denomination and payable at a place and in the manner the governing body provides. The bonds shall be redeemable after ten (10) years and payable in thirty (30) years after the time they are issued or payable serially, as provided in section 9-625, Wyoming Statutes, 1957.

**Endorsement of Bonds**

**Section 414.** The clerk of the city or town shall endorse a certificate upon every bond or evidence of debt issued, stating that it is within the lawful debt limit of the city or town, and is issued according to law. He shall sign the certificate in his official character.

**Registration of Bonds**

**Section 415.** The city or town treasurer shall keep a book in which shall be registered all bonds issued, showing the number of the bond, the date of issue, to whom issued, the amount, date of redemption, and payment of interest. The book shall be open to all persons to examine it during business hours.

**Notice of Issue of Bonds; Exception; Delivery to Contractor in Lieu of Price Specified**

**Section 416.** After any bonds to be issued for any of the purposes set forth in this article, other than special improvement bonds have been approved by a vote of the people, the governing body shall give notice by advertisement for three (3) consecutive weeks in a newspaper published in the city or town, if there is one, and if not, then in some newspaper of general circulation in the city or town, and in any newspaper published in other places as may be deemed expedient. The notice shall state that the city or town will receive bids for the sale of the bonds, and give the time and place where bids will be received and opened. No bonds may be sold for less than their par value. Bonds issued by a city or town to establish,

construct, purchase or extend a system of sewerage may be sold to the State of Wyoming or the United States of America at a private sale, without advertisement, for not less than par and accrued interest.

**Tax to Pay Interest On and Create Sinking Fund for Bonds;  
Redemption of Bonds; Notice of Redemption**

**Section 417.** A tax to be fixed by ordinance shall be levied each year to pay the interest on the bonds and to create a sinking fund for their redemption. The money that may be on hand at any time belonging to the sinking fund, until there are bonds redeemable, may be loaned or invested by the governing body in any public securities of the state, any subdivision thereof, or of the United States, and the interest that accrues shall be added to the sinking fund. Whenever, at any time after ten (10) years from the issue of the bonds, the sum in the sinking fund equals or exceeds five hundred dollars (\$500), and from time to time thereafter when it accrues, the city or town treasurer shall publish a notice in a newspaper in the city or town that he will, thirty (30) days from the date of the notice, redeem the amount of bonds then payable, giving their number and giving preference to the oldest issue. If at the expiration of thirty (30) days the holder of those bonds fails to present them for payment, the interest on them shall cease, but the treasurer shall be ready to redeem them on presentation. A copy of the notice shall be sent to the bank designated as the place of payment of the interest on the bonds.

**Cancellation of Bonds**

**Section 418.** The city or town treasurer shall, as soon as the coupons of bonds are paid, cause the word "paid" to be cut into them, and when the bonds are paid cause the word "paid" to be cut in the body of the bond.

**Limitation of Indebtedness; Exception**

**Section 419.** No debt in excess of the taxes for the current year may be created by any city or town, except local improvements as provided by law, unless the proposition to create the debt is submitted to the vote of the people, and approved by them. No city or town may create any indebtedness exceeding four per cent (4%) of the assessed valuation of the taxable property except an additional amount not exceeding four per cent (4%) of the assessed valuation of the property to build and construct sewerage systems. For the construction, establishing, extending and maintaining of water works and supplying water for the use of the city or town and its inhabitants, the limitation does not apply.

**Custody of Funds**

**Section 420.** The city or town treasurer is the custodian of all moneys arising from the sale of bonds issued pursuant to this chapter. He shall give any additional bond or bonds for safekeeping and disbursing of all such funds as required by the governing body.

**Bonds for Auditoriums, Incinerators and Self-Liquidating  
Recreation Facilities—Issuance Authorized**

**Section 421.** (a) Any city or town may issue and sell revenue

bonds for the purpose of creating, purchasing, leasing, constructing, maintaining, expanding or improving the following types of municipal improvements:

- (1) Municipal auditoriums or community meeting facilities;
- (2) Municipal incinerators to be used for or in conjunction with municipal dumps and municipal garbage disposal;
- (3) Municipally operated recreational facilities of a type for which a charge is or may be made to the general public and because of the charge they are or may be self-liquidating in nature.

(b) Any city or town desiring to avail itself of the power to issue revenue bonds shall adopt and follow the procedure prescribed for the issuance by municipalities of revenue bonds for sewerage systems.

**Borrowing and Issuance of Bonds for Acquiring, Enlarging, etc., Municipal Airports Authorized; Specifications as to Bonds; Election**

**Section 422.** In addition to all other powers any city or town may borrow money and issue coupon bonds in any amount not exceeding at any one time, four per cent (4%) of the assessed valuation of the city or town to acquire, lease, purchase, equip, develop, improve, or enlarge municipal airports, landing fields or other air navigation facilities. The bonds shall be of the denomination of five hundred dollars (\$500), or multiples thereof and bear interest at a rate not to exceed six per cent (6%) per year, payable semi-annually, at the place and in the manner provided by the governing body. The bonds shall be in serial form with last maturity not more than thirty (30) years after the date of issue. The bonds may be redeemable at any time designated by the governing body as provided in section 9-625, Wyoming Statutes, 1957.

**Notice That Bids for Bonds Will Be Received**

**Section 423.** If a majority of the votes are "for the bonds" the governing body shall give notice by advertisement in a newspaper of general circulation in the city or town and any other newspapers published in other places as deemed expedient, to the effect that the city or town will receive bids for the sale of the bonds and stating the time and place where bids will be received and opened.

**Tax Levy for Payment**

**Section 424.** A tax to be fixed by ordinance shall be levied for each year to pay the interest and principal of the bonds as they become due and payable.

**Cancellation of Bonds**

**Section 425.** When any bonds or coupons are paid the treasurer shall cause the word "paid" to be cut in them and otherwise cancel the bonds and coupons so paid.

**ARTICLE 2. Electric Power.**

**Supply to Consumers Outside Corporate Limits Authorized**

**Section 426.** Any city or town which may acquire or construct

an electric light or power plant, may supply electric current to persons, corporations and municipal corporations outside the corporate limits and enter into the necessary contracts upon the terms and any rules and regulations as agreed upon by the parties.

#### **Existing Contracts Ratified**

**Section 427.** Any contracts entered into by any city or town for supplying electric current outside its corporate limits are hereby ratified and confirmed as valid and binding contracts, any other act or law to the contrary notwithstanding.

#### **Purchase of Electric Current Authorized**

**Section 428.** Any city or town may purchase electric current from outside its corporate limits upon such terms and conditions agreed upon by the parties.

#### **Construction of Transmission Line on Highways**

**Section 429.** Any city or town may construct an electric transmission line or electric power line upon and over all public roads and state highways if it does not interfere with the public in the use of the public roads and state highways.

#### **Enactment of Ordinances for Rules, Regulations, Rates, etc., Authorized**

**Section 430.** Any city or town may enact ordinances necessary to exercise the powers granted in this article, make all necessary ordinances, rules and regulations for the conduction, maintenance and operation of any electric transmission line constructed, purchased, extended or maintained, and providing for the rates to be charged consumers of electric current either for lights, power or other purposes and for their collection.

#### **Electric Line Fund Established; Use of Fund**

**Section 431.** All funds derived from the sale of electricity or electric current shall be placed in a separate fund to be known as "electric line fund," and be used only for paying the expenses of operating, maintaining or extending the electric transmission line, including the transformers and other appurtenances necessary to its operation, until all of the bonds issued by the city or town, for those purposes, have been fully paid. However, any surplus in such funds, over and above the operating expenses and the expenses of extending and repairing the plants in any one year, may be used to provide a sinking fund for the payment of bonds, or to pay the interest or principal on the bonds.

#### **Sale of Power Plant—Election on Proposition**

**Section 432.** When a written proposal to purchase a city or town owned works or plant for generating or distributing electrical energy for light, heat or power, is filed with the city or town clerk by any bona fide manufacturer or distributor of electricity in the State of Wyoming, the governing body may, when in their judgment it appears to be in the best interests of the inhabitants of the city or town to sell the works or plant, provide for submitting the question

to the qualified electors of the city or town, both property and non-property owners, either at the next regular municipal election, or at a special election called for that purpose. The election shall be called and conducted in the same manner as other city or town elections, except as provided in this section. At the election the official ballot shall contain the words "For Sale of Municipal Light Plant" and "Against Sale of Municipal Light Plant." In the election, the procedure provided in sections 22-130—22-134, Wyoming Statutes, 1957, shall be applicable and substantially followed. If a majority of the legal votes cast upon the proposition in each ballot box are for the sale, then the proposition shall be deemed to have been approved by the people, and the governing body shall take appropriate proceedings to consummate the sale. If the majority of ballots in either box is against the proposed sale, it shall not be concluded. At the election the ballot shall have a square to the right of each proposition, and the elector shall express his vote by putting a cross in the square opposite the proposition he favors.

#### **Notice**

**Section 433.** If the governing body of the city or town decides to submit the question of the sale of the property to a vote of the qualified electors they shall publish a notice for a period of at least three (3) weeks before the election in a newspaper of general circulation in the city or town, specifying the amount of the bid and the general terms and conditions contained in the proposal. A copy of the notice shall be posted for three (3) weeks immediately preceding the election in three (3) public places in the city or town.

#### **Proposal for Purchase**

**Section 434.** In submitting a written proposal for the purchase of any municipally owned electric light or power plant, the prospective purchaser shall specify the amount of his bid, and the general terms and conditions of his offer.

#### **Disposition of Moneys Received**

**Section 435.** All moneys received from the sale of property under this article shall be kept in a separate fund, and be first used as necessary to pay current bills and unsecured obligations outstanding on account of the operation of the plant until it is turned over to the purchaser, and the remainder of the proceeds of the sale shall be used for redemption of any bonds issued by the city or town for the purchase or erection and construction of the works or plant. The money shall not be expended or mixed with other funds of the city or town, but shall be applied wholly towards the redemption of the bonds, together with the accumulated interest. When the property sold brings an amount in excess of the current bills, unsecured obligations, and the outstanding bonds, the excess shall be placed in a sinking fund to retire any existing bonded indebtedness of the municipality. If there is no existing bonded indebtedness it shall be placed in the municipal general fund and expended for general municipal purposes.

#### **Ordinances Authorized**

**Section 436.** Any city or town may enact ordinances necessary

to exercise the powers in this article granted, and may enact and make all necessary rules and regulations for its objects and purposes.

### ARTICLE 3. Parks, Playgrounds and Recreational Areas.

#### **Definition**

**Section 437.** When used in this article the words "public park" mean any public ground of any city or town, dedicated to public use and maintained as a municipal park, playground or recreation area.

#### **Vacation from Public Use Authorized**

**Section 438.** The governing body of any city or town may vacate from public use any public park or part thereof, located within the corporate limits of the city or town in the manner provided in this article.

#### **Procedure for Vacation; Objections to be Filed**

**Section 439.** When the governing body considers it to be in the interests of the public, to vacate any public park or part thereof from the public use to which it was dedicated, it shall set a time and place for a public hearing upon the proposal to vacate. Notice of the hearing shall be published for three (3) consecutive weeks prior to the hearing in a newspaper published in the county in which the city or town is located, or if there is no newspaper published in that county, then in a newspaper published in this state and of general circulation in that county. The notice shall contain a statement of the time, place and purpose of the hearing, the reason for the proposed vacation, and provide that any person objecting to the proposed vacation shall file their objections with the city or town clerk in writing, at least twenty-four (24) hours before the time of the hearing.

#### **Hearing on Objections**

**Section 440.** Any resident of the city or town, having filed his objections may appear at the hearing and protest the proposed vacation, and any other resident of the city or town may appear at the hearing and offer evidence in support of the proposed vacation. If the governing body then finds that the vacation of the property from public use is in the best interests of the city or town and its residents it may order the vacation by ordinance. The record of the proceedings of the public hearing, including the findings of the governing body, shall be made a part of the minutes of the regular or special meeting of the governing body at which the hearing was conducted.

#### **Municipality Relieved of Obligation to Maintain Upon Vacation; Disposal of Property**

**Section 441.** Upon the passage of an ordinance vacating the property from public use, the city or town is relieved of all obligations to the public for maintaining the property as a public park, and it may dispose of the property in any manner provided by law.

### ARTICLE 4. Waterworks, Sewerage and Electric Utility Distribution Systems.

#### DIVISION 1. Board of Public Utilities.



**Establishment; Powers and Duties Generally**

**Section 442.** Any city or town which owns and operates a municipal water works, a sanitary sewer system, a sewage disposal plant, or an electric utility distribution system, may establish a board of commissioners, to be known as the board of public utilities. The board of public utilities shall manage, operate, maintain and control such plants and make all rules and regulations necessary for their safe, economical and efficient operation and management. The board may also improve, extend or enlarge such plants as provided in this article.

**Appointment, Number, Terms and Removal of Members; Vacancies**

**Section 443.** The board of public utilities shall consist of five (5) members, to be appointed by the mayor with the advice and consent of the governing body. One member of the board shall be appointed for a term of two (2) years, two for a term of four (4) years, and two for a term of six (6) years. Thereafter each member shall be appointed for a term of six (6) years. Any member of the board may be removed for cause other than politics or religion after public hearing, by the mayor, the governing body concurring. If there is a vacancy in the board, the mayor shall fill it by appointment for the unexpired term only.

**Officers; Meetings; Records; Salaries and Qualifications of Members**

**Section 444.** The board shall elect from their own number a president and a secretary and hold meetings at least once a month, and at the call of the president or three members of the board. The board shall adopt its own rules of procedure and keep a record of its proceedings. All meetings, records and accounts of the board are public. Three members constitutes a quorum for the transaction of business. The salaries of the members of the board shall be fixed by ordinance, but may not exceed six hundred dollars (\$600) each per year. Members of the board shall be men of business experience and no less than thirty (30) years of age, citizens of the United State, and for five (5) years immediately preceding their appointment residents of the city or town.

**Specific Powers and Duties**

**Section 445.** The board of public utilities has exclusive control of all municipally owned water works, sanitary sewer systems and sewage disposal plants, or any of them, as specified by ordinance. The board is charged with producing and supplying the city or town and its inhabitants with water for domestic and industrial purposes, and for public use, and may sell and dispose of any surplus outside of the city or town, and may furnish surplus sanitary sewer facilities to persons outside of the city or town. The board may hire and discharge all employees and agents of these departments and fix their compensation; purchase all machinery, tools and other appliances and all materials and supplies necessary for the purposes of the departments; and may in the name of the city or town take and hold by lease, purchase, gift, device, bequest or otherwise such franchises and real or personal property, either within or without the city or town as may be necessary or convenient for carrying out the purposes of the board, including office space and equipment for carrying on the

business of these departments. The board may establish all reasonable rules and regulations to protect the rights and property vested in the city or town and under control of the board, and may issue vouchers or warrants in payment of all claims and accounts incurred by the board for its departments. When the vouchers or warrants are approved by the board the city or town treasurer shall pay and charge them against the proper funds. The board may provide for either civil service status or pension system, or both, for its employees, which shall be under the supervision and subject to the order of the board. The board may withhold two per cent (2%) of the wages of its employees to be placed in a fund to be known as "utilities department pension fund" and the board may set aside and place in the pension fund each month, an amount not to exceed three (3) times the total amount of two per cent (2%) deducted each month from employees' wages for pension purposes. Disbursements from the pension fund shall be made in the same manner as other disbursements and payments made pursuant to this article.

#### **Appointment, Salary, Qualification, Bond, Powers and Duties of Superintendent**

**Section 446.** The board of public utilities shall select and appoint a superintendent and fix his salary, and his term of office shall be during the pleasure of the board. The superintendent shall be a competent person not less than thirty (30) years of age, thoroughly qualified for the position by training and experience as the board requires. The superintendent shall manage and control the water plant and its distribution system, the sanitary sewer system including sewage disposal plant or plants, and the electric utility distribution system under the direction of the board. He shall supervise and inspect all parts of the plants and see that they are maintained in good condition for use and that all employees attend to their respective duties. He shall keep in good repair all machinery and other property, and advise the board as to the needs of the plants. All employees, servants and agents of these plants, when appointed by the board are under the immediate control, and management of the superintendent. The superintendent shall perform all duties required by the board. He shall give a good and sufficient surety bond to the city or town in the sum to be fixed and approved by the board, conditioned upon the faithful performance of his duties. The cost of the bond shall be paid out of the revenue of these plants. If the board is operating more than one plant, the cost of the bond shall be paid pro rata out of the revenue of the plants.

#### **Appointment, Salary, Qualification, Bond, Powers and Duties of Office Manager**

**Section 447.** The board of public utilities shall select and appoint an office manager who shall keep a regular set of books for the water department, the sanitary sewer department, and the electric utility distribution system showing in detail their business transactions. He shall not be less than thirty (30) years of age, and thoroughly qualified for the position by experience and training. His term of office shall be during the pleasure of the board. He has general supervision and charge of all office employees of the departments, acting under the direction of the board. Immediately following

the close of each month he shall make any reports to the board, and to the governing body of the city, or town, as they require, showing the transactions of the preceding month and the financial condition of the departments. The reports shall include a correct account of all collections, appropriations, expenditures, and approved claims entitled to payment. The office managers' salary shall be fixed by the board, and he shall give a good and sufficient surety bond to the city or town in the sum approved by the board, conditioned upon the faithful performance of his duties and for a true and faithful accounting of all monies that may come into his hands in his position. The cost of the bond shall be paid out of the revenue of these plants. If the board is operating more than one plant, the cost of the bond shall be paid pro rata out of the revenues of the plants. The board shall appoint assistants to the office manager as it deems necessary.

#### **Agents, Servants and Employees**

**Section 448.** The board shall make all appointments and hire all agents, servants and employees of the departments, fix their compensation and determine their qualifications, considering only the relative capacity of applicants, their moral, physical and health qualifications and when appropriate, their qualifications for manual labor. All appointments shall be made on the basis of their merit alone, and no appointment may be made on account of political services or affiliations. All agents, servants and employees shall hold their offices during the pleasure of the board.

#### **Consumer Rates**

**Section 449.** The board shall fix the rates for water, sanitary sewer services, and electric service furnished to customers, as will secure an income sufficient to pay the interest charges and principal payments on all bonds issued to pay the purchase price, construction cost, extensions and enlargements of the respective systems as the same become due; to pay all salaries and wages of the officers and employees; to cover the cost of all materials and supplies used in the operation of the plants; to cover all miscellaneous expenses; to cover all usual extensions and enlargements, together with a reasonable allowance for emergency and unforeseen expenses; and to provide and maintain a depreciation fund for each department. It shall account for the depreciation of the water plant and of the sanitary sewer system, including sewage disposal plant or plants using rates of depreciation that meet with the approval of the state examiner. The depreciation fund shall be used to pay for replacements and additions to the water works and sanitary sewer systems and sewage disposal plants and for no other purpose. Replacements and additions shall be capitalized and the capital value added to the value of the systems to establish the value of the plants for depreciation purposes. However, the board may fix special rates for water, or sanitary sewer services, furnished to the governing body of the city or town for public purposes, or to organized institutions of charity.

#### **Use of Surplus Funds**

**Section 450.** The board of public utilities shall use any surplus funds arising from the sale of water or sewage services in the following order:

First: For the purchase and cancellation of any bonds issued to pay the purchase price of the water or sewer plants or the cost of their construction, extension and enlargement. The board shall not pay for any bonds any sum greater than par, plus a premium of not to exceed fifty per cent (50%) of the face value on all unearned interest coupons attached to any bond purchased, or pay more than the actual market price of the bonds at the time of purchasing them.

Second: Any surplus after the purchase of bonds shall be paid into the general fund of the city or town.

#### **Meter Deposit Fund; Investment; Transfer of Interest to General Fund**

**Section 451.** The board of public utilities of any city or town engaged in the business of supplying water or electricity to its inhabitants which requires deposits to be made on water meters or electric meters furnished its customers, shall place all moneys received from the deposits in a separate fund. The fund may be invested in securities as provided by law for trust funds of cities or towns. Any interest or income earned by or accruing to the fund, not otherwise pledged for the payment of general obligations or revenue bonds, may annually be transferred and paid into the general fund of the city or town. Any person who has made or makes a deposit on a water meter or electric meter is entitled only to the repayment of the principal amount of his deposit.

#### **Treasurer of Board**

**Section 452.** The treasurer of the city or town shall be ex-officio treasurer of the board of public utilities. All funds and property in his hands belonging to these departments is subject to the control of the board, and he shall receive and receipt for the money collected by the employees of the board, and pay out those funds when ordered by the board upon warrants signed by its president and counter-signed by the office manager, certifying that the warrant is issued by authority of the board. He shall also co-operate with the office manager and supply him with official information to permit the making of the monthly reports provided for in section 447, and any other information the board requires. As ex-officio treasurer to the board, he shall give a surety bond in the sum approved by the board. The cost of the bond shall be paid by the board in the same manner as provided for other bonds in this article.

#### **Duty of City Clerk**

**Section 453.** The clerk of the city or town shall furnish the board with copies of all ordinances, resolutions, agreements, contracts and other records the board requires.

#### **Additional Powers and Duties**

**Section 454.** All other powers and duties under acts and part of acts relating to water plants and sanitary sewer systems, including sewage disposal plants, in cities and towns in so far as applicable shall be exercised by the board of public utilities.

#### **DIVISION 2. Sewerage Systems.**

**Definition**

**Section 455.** When used in this division, the term "sewerage system" means any or all of the following:

A sewerage treatment plant, or plants, collecting, intercepting and outlet sewers, force mains, conduits, pumping stations, ejector stations and all other appurtenances or improvements necessary or useful and convenient for the collection, treatment and disposal, in a sanitary manner, of sewage and industrial wastes.

**Construction, Improvement, etc., Authorized; Issuance of Bonds Authorized; Requirements as to Bonds; Contracts, Acceptance of Contributions, Single Sewerage and Water Company and Refunding Bonds Authorized**

**Section 456.** (a) Any city or town may construct, reconstruct, improve and extend, or acquire, improve, extend and operate a sewerage system, within or without its corporate limits and may apply for and accept loans or grants or any other aid from the United States of America or any agency or instrumentality thereof under any federal law to aid in the prevention and abatement of water pollution, or may borrow money from any other source. Any city or town may also issue its revenue bonds for all such purposes, payable solely from the revenues derived from the operation of the sewerage system. The bonds may be issued with maturities not exceeding forty (40) years and in the amounts necessary to provide sufficient funds to pay all the costs of construction, improvement, reconstruction, extension or acquisition, extension and improvements of such sewerage system, including engineering, legal and other expenses, together with interest to a date six (6) months after the estimated date of completion. The bonds shall bear interest at a rate of not more than six per cent (6%) per year, and be serial and payable in annual installments as nearly equal as practicable. Bonds issued under the provisions of this division are negotiable instruments, and shall be executed by the mayor and clerk and sealed with the corporate seal of the city or town. If any officer whose signature appears on the bonds or coupons ceased to be an officer before delivery of the bonds, the signatures remain valid and sufficient for all purposes, the same as if the officer had remained in office until their delivery.

(b) Any city or town may enter into contracts and agreements with other local public bodies covering the joint construction, operation and maintenance of a sewerage system.

(c) Any city or town may accept contributions and other aid from commercial, industrial and other establishments to aid in the prevention or abatement of water pollution, and in furtherance of that purpose enter into contracts and agreements with commercial, industrial and other establishments covering (1) the collection, treatment and disposal of sewage and industrial wastes from any commercial, industrial and other establishments; (2) the use and operation by any city or town of sewerage collection, treatment and disposal facilities owned by any commercial, industrial and other establishment; and (3) the coordination of the sewage collection, treatment and disposal facilities of the city or town with the sewage collection, treatment, and disposal facilities of commercial, industrial

and other establishments. All such contracts are subject to the approval of the public service commission of the State of Wyoming and any rates contained in the contract are subject to the continuing jurisdiction of that commission.

(d) Any city or town may provide for the operation as a single enterprise of its water works and sewerage systems. When the governing body determines to operate its waterworks and sewerage system as a single enterprise, it may issue revenue bonds in the manner provided in this division, payable solely from the revenue derived from the operation of the combined waterworks and sewerage system, to pay for improvements, additions and extensions to the combined waterworks and sewer systems. If there are any outstanding bonds payable solely from the revenue of the waterworks or sewerage systems, or from the combined waterworks systems, the new bonds may include an amount sufficient to retire the outstanding bonds, or may be made subordinate to the outstanding bonds with respect to the payment of principal, interest and security. Any law which requires that revenue derived from the operation of a waterworks system by a city or town applies only to the payment of the principal and interest of water bonds, is inapplicable where the municipality operates its waterworks and sewerage system as a single enterprise, and in that case the revenues derived from operation of the water system may be used to retire either water bonds or sewerage system bonds.

(e) Any city or town may issue refunding revenue bonds to refund, pay or discharge all or any part of its outstanding sewer revenue bonds, including interest, if any, in arrears or about to become due. The relevant provisions of this division pertaining to revenue bonds for sewerage systems is applicable in the authorization and issuance of refunding revenue bonds, including their terms and security, the bond ordinance, rates, and other aspects of the bonds, except that it is not necessary to submit the proposition of issuing refunding revenue bonds to a vote of the people of the city or town.

#### **Ordinance for Construction**

**Section 457.** (a) When the governing body determines to construct, reconstruct, acquire, improve or extend a sewerage system and to issue bonds under the provisions of this division to pay the costs, it shall adopt an ordinance describing, in a general way, the contemplated project and refer to its plans and specifications, which shall be open for the inspection of the public. The ordinance shall set out the estimated cost of the project, determine the period of its usefulness and fix the amount of revenue bonds proposed to be issued, the maturity or maturities, the interest rate which shall not exceed six per cent (6%) per year, and all details in connection with the bonds. The ordinance may provide that the bonds, or those specified, shall, to the extent and in the manner prescribed, be subordinated to any other bonds payable from the revenues of the sewerage system as are specified in the ordinance. The ordinance may contain such covenants and restrictions upon the issuance of additional revenue bonds, which share equally from the revenues of the system, as may be necessary or advisable to assure the payment of the bonds hereby authorized.

(b) The ordinance may provide that the revenue bonds or any part thereof may be sold to the State of Wyoming or the United States of America or any agency or instrumentality thereof at a private sale, without advertisement, for not less than par and accrued interest, payable semi-annually. The ordinance may provide that the bonds may be redeemable, with or without premium, at the time or place the governing body provides.

(c) The ordinance shall pledge the revenues derived from the operation of the sewerage system to pay the cost of operation and maintenance of the system, to provide an adequate depreciation fund and pay the principal and interest on the bonds. The ordinance may also provide that the governing body may discontinue the water supply of any person for non-payment of the sewer service charge.

#### **Bonds Payable From Revenues of System and Not Considered Indebtedness of Municipality**

**Section 458.** All bonds issued under the provisions of this division are payable solely from the revenues derived from the operation of the sewerage system and do not constitute an indebtedness of the city or town within the meaning of any constitutional or statutory provision. It shall be stated on the face of each bond that it has been issued under the provisions of this division, and that it does not constitute an indebtedness of the city or town within any constitutional or statutory limitation.

#### **Revenues to be Deposited in Special Fund; Uses of Fund**

**Section 459.** All revenues derived from the operation of the sewerage system shall be set aside as collected, and deposited in a special fund to be used only for the purpose of paying the cost of operating and maintaining the system, to provide an adequate depreciation fund and pay the principal and interest on the bonds issued under the provisions of this division.

#### **Rates for Users Generally**

**Section 460.** (a) Any city or town borrowing money and improving, constructing or acquiring and improving a sewerage system, shall collect a charge from the users of the system at a rate sufficient to pay the cost of operating and maintaining the system, provide an adequate depreciation fund and pay the principal and interest on the bonds issued.

(b) Any city or town that owns and operates a sewerage system constructed or acquired under the provisions of any law may, by ordinance, provide that the users of the system pay a service rate sufficient to pay the cost of operating and maintaining the system, and to provide an adequate depreciation fund.

#### **Change of Rates; Delinquent Accounts; Accounting System; Annual Audit**

**Section 461.** (a) The charges for the use of the sewerage system may be changed from time to time and shall be fixed at a rate which equitably distributes the cost of service among the users. If any service charge is not paid within thirty (30) days after it is

due, the amount thereof, together with a penalty of ten per cent (10%), and a reasonable attorney's fee, may be recovered in a civil action by the city or town.

(b) Any city or town issuing bonds, under the provisions of this division shall maintain a proper system of accounts showing the amount of revenue received from the sewerage system and its application. At least once each year the accounts shall be properly audited and a report of the audit shall be open for inspection at all proper times to any taxpayer, sewerage system user, or any holder of any bond issued under the provisions of this division, or their respective representatives.

#### **Bondholders May Compel Compliance With Law**

**Section 462.** The holder of any bond issued under the provisions of this division, or of any coupon representing interest accrued thereon, may be proper suit, compel the officials of the city or town to perform all duties imposed upon them by this division.

#### **Right of Eminent Domain**

**Section 463.** Any city or town may exercise the right of eminent domain as provided in Sections 1-743—1-809, Wyoming Statutes 1957, to construct, acquire, or improve any sewerage system, or any necessary or appropriate property.

#### **Method of Bond Issuance**

**Section 464.** Revenue Bonds under the provisions of this article shall be issued in accordance with the requirements of section 411, so far as it refers to submitting the proposition to a vote of the people, and when it does not conflict with the provisions of this article.

#### **Provisions Cumulative**

**Section 465.** The provisions of this division are cumulative, conferring additional power on cities and towns and are not limitations upon their powers to construct, acquire and improve and operate sewerage systems.

#### **Special Assessments for Construction of Sewers and Water Mains**

**Section 466.** Any city or town may make special assessments for the construction of sewers and water mains. The assessments shall be made on all lots and pieces of ground to the center of the block, or if the sewers or water mains are constructed in an alley then on all lots and pieces of ground to the nearest street or avenue on each side of the alley, extending along the street, avenue or alley, the distance of the improvement, according to the area of the lots or pieces of ground, without regard to the buildings or improvements. The amount to be paid by each property holder shall be determined by dividing the expenses of the construction of the proposed sewer or water main among all the property holders for the benefit of whose property the sewer or water main is to be constructed. The amount to be assessed against each property holder shall be in proportion to the number of square feet owned by him, to the entire number of square feet assessed for the expense of the construction.



The city or town may adopt ordinances providing for the manner of sale, redemption and conveyance of lands sold for non-payment of the special assessments.

### **DIVISION 3. Contracts to Furnish Water.**

#### **Agreements for Extension of Water Systems Authorized; Lien for Charges; Rules and Regulations**

**Section 467.** Any city or town owning its municipal water system or plant may enter into agreements with the owners of lands who desire to have the water system extended to their property within the corporate limits of the city or town, whereby the land owners shall agree to pay to the city or town a stipulated amount, in such installments as may be agreed, for a period not to exceed ten (10) years, regardless of the use or non-use of water during the period, and making the charges a lien upon their respective lands. When the agreement has been filed with the city or town clerk the charges become a lien upon the lands. Any city or town may by ordinance prescribe the rules and regulations governing such agreements, and provide for the enforcement of the lien.

#### **Authority to Extend Water System Beyond Corporate Limits; Financing of Extension; Certificate of Public Convenience and Necessity Required**

**Section 468.** (a) Any city or town owning its municipal water system or plant may enter into agreements with customers beyond the corporate limits of the city or town to supply water for the use, needs and requirements of such customers. Any city or town may extend its water system and maintain it beyond its corporate limits only when it is economically feasible in the opinion of the governing body. It may finance the extension and maintenance through revenue or other means granted by law for financing of its water system and improvements.

(b) This authority is subject to the certificates of public convenience and necessity of the public service commission issued to the city or town.

#### **Contracts to Furnish Water to Federal Government Authorized; Existing Contracts Ratified**

**Section 469.** (a) Any city or town may enter into and fully perform contracts with the United States government, or any department, or representative thereof, or road construction contractor working under a contract with the state highway commission or with public utility corporations to supply water for their use, needs, and requirements at any place within the corporate limits of the city or town, or adjacent thereto.

(b) Any contracts entered into by any city or town and the United States government, or any department, or representative thereof, or any public utility corporation, doing business within the corporate limits, or adjacent thereto, are ratified and confirmed and are valid and binding contracts, any other law or act to the contrary notwithstanding.

**Contracts for Supplying Water to Railroads, Affiliates and Preferred Industries**

**Section 470.** Any city or town may contract to furnish water at and adjacent to the city or town for a term of years as agreed upon, to any railroad company for use in its shops, locomotives, and other railroad purposes, and to any subsidiary or affiliate of any such railroad company whose principal business at or adjacent to the city or town is the furnishing of material or service, or both, to the railroad company, and to any industrial user of water whose principal needs for water, at or adjacent to the city or town, are defined as preferred uses or water after the industry or industries has established its own priority.

**Ratification of Existing Contracts**

**Section 471.** Any city or town may, upon terms and for consideration it considers adequate, ratify and confirm any contract which it has made with regard to supplying water to any railroad, for the uses and purposes stated in section 470.

**Outside Purchases**

**Section 472.** Any city or town may purchase water from outside its corporate limits upon such terms and conditions agreed upon by the parties.

**DIVISION 4. WATERWORKS FRANCHISES TO PRIVATE CORPORATIONS.****Power to Grant; Rights of Corporation Acquiring Franchise; Control; Limitation on Franchises**

**Section 473.** The governing body of any city or town may grant to any corporation organized under the laws of Wyoming for this purpose, the right to construct, maintain and operate a system of water works within the corporate limits of the city or town. The corporation acquiring a right or franchise to construct water works may use the streets and alleys within the corporate limits, to put down and operate all pipes, fire plugs, hydrants and other appliances necessary to the complete operation of the works, subject to the supervision and control of the governing body. The right of franchise shall not be granted for more than twenty (20) years at any one time.

**Governing Body May Contract For Use of Water; Limitation on Duration of Contract**

**Section 474.** The governing body may enter into a contract with the corporation, to supply the city or town with water for protection from fire, the sprinkling of streets, and for other purposes necessary to the health and safety of the city or town. The contract shall not be for more than ten (10) years at any one time, and as agreed upon by the parties.

**Schedule of Prices; Governing Body May Revise or Amend; Limitation; Collection**

**Section 475.** The corporation receiving the franchise to construct and maintain waterworks shall establish a schedule of prices

to be charged for the use of water by consumers. Upon receipt of the schedule the governing body shall revise or amend it so that the charges are not unreasonable or oppressive. In establishing the water rates the governing body shall take into consideration the cost of construction of the water plant and adjust the rates to be charged upon such a basis that equity will be done to all parties. The schedule of prices agreed upon by the governing body are the prices that the corporation may charge and receive for the use of water within the corporate limits. The schedule of prices when fixed is not subject to revision more often than once every two (2) years, without the permission of the corporation. The governing body has full authority to collect all water rents and charges due from consumers.

#### **Extension of Waterworks**

**Section 476.** The corporation constructing the water works may extend it beyond the corporate limits of the city or town. The jurisdiction of the city or town, for the purpose of maintaining and protecting the system from injury and the water from pollution, extends over the entire territory occupied by the works.

#### **Right to Purchase Waterworks to be retained**

**Section 477.** The franchise granting the privilege to any corporation to construct and maintain water works, shall contain the express condition that the city or town has the right and privilege of purchasing the water works and the franchise so granted with all appurtenances, within twenty (20) years from the date of the franchise, upon reasonable terms agreed upon by the contracting parties.

#### **Condemnation Power Granted With Water Franchise**

**Section 478.** The corporation to which the right or franchise is granted may acquire by appropriation all surplus water in any stream, purchase prior water rights, and hold and use the water so acquired for the purposes of the corporation. It may also obtain the right of way and lands necessary for reservoirs for the water system. The provisions of the laws of Wyoming relative to condemnation apply as if they were set forth in this division.

#### **Franchise to be Approved by Voters**

**Section 479.** The governing body shall not grant a franchise until the question has been submitted to the voters of the city or town and approved by a majority of all the votes cast at the election.

#### **Election For Grant of Franchise**

**Section 480.** Any city or town wishing to avail itself of the provisions of this division, shall pass an ordinance calling an election and submit the question to the voters whether the city or town should grant a franchise for the construction of water works. The election shall be governed by the provisions in force for the holding of elections in cities and towns for the selection of officers.

#### **Ordinances**

**Section 481.** The governing body may pass all ordinances necessary to carry out the provisions of this division.

**Powers Not Decreased**

**Section 482.** The powers conferred upon a city or town by this division do not deprive them of any rights or powers conferred upon them by other laws.

**Prior Franchises Validated**

**Section 483.** All franchises previously granted by the governing body of any city or town for supplying water are declared to be legal and valid.

**CHAPTER 8.****FUNDING AND REFUNDING BONDS****When Authorized; Numbering; Conditions; Signatures; Sale**

**Section 484.** (a) When any city or town has created any indebtedness not in excess of the taxes for the current year to pay expenses incurred in repairing or restoring improvements made necessary by any casualty or accident happening after the annual appropriation is made, or when any judgment has been rendered against any city or town, or when any city or town has outstanding any other lawful indebtedness, bonded or otherwise, the governing body may pay, redeem, fund or refund any such judgment or indebtedness by issuing the negotiable coupon bonds of the city or town when it can be done at a lower rate of interest, or to the profit and benefit of the city or town. The bonds shall be in denominations as fixed by ordinance, and be numbered from one upward, payable within thirty (30) years from the date of issue, and bear interest at a rate not more than six per cent (6%) per year, payable semi-annually at the office of the city or town treasurer, or at any other place designated by the governing body.

(b) The bonds may become due serially or be redeemable, as specified in the ordinance. They shall be signed by the mayor and countersigned by the clerk and the treasurer of the city or town, and may be sold and disposed of in an amount sufficient for the purpose for which they were issued, as determined by the governing body. No bonds may be sold for less than their par value.

**Registration; Cancellation**

**Section 485.** The bonds shall be registered by the city or town treasurer in a book kept for that purpose. The register shall show the date of issue, number, amount, to whom issued and the date of redemption and payment. The treasurer shall cause the word "paid" to be cut in the bond and coupon when they are paid.

**Tax For Interest and Redemption**

**Section 486.** A tax shall be levied and collected annually on all the taxable property, real, personal and mixed within the city or town sufficient to pay the interest on the bonds and redeem them as they become due. The tax shall be levied and collected the same as other taxes of the city or town.

**Order of Redemption**

**Section 487.** If serial bonds are issued the city or town shall redeem them as they become due. If redeemable bonds are issued the city or town shall, during the last half of the term the bonds have to run, redeem annually a portion of the principal equal to a sum produced by taking the whole amount of bonds outstanding and dividing it by the number of years the bonds then have to run.

**Sale or Exchange**

**Section 488.** The bonds shall be sold for cash, or may be sold or exchanged for any other city or town indebtedness, bonded or otherwise, for the redemption of which they were issued, but no bonds may be sold or exchanged for less than their par value and the accrued interest at the time of disposal. No city or town indebtedness may be redeemed for more than its face value and the interest that may be due. If part of the bonds are sold for money, the proceeds shall be applied exclusively toward the redemption of the indebtedness for which the bonds were issued. The treasurer of the city or town shall give notice of his readiness to redeem the indebtedness and that the interest on it shall cease after thirty (30) days from the date of the notice.

**Ordinance Required to Authorize Issuance**

**Section 489.** The governing body of any city or town desiring to issue bonds pursuant to this chapter, shall provide for them by ordinance.

**CHAPTER 9.****REPEAL OF SPECIAL CHARTERS;  
PRESERVATION OF VESTED RIGHTS.****Charters Repealed; Rights Reserved**

**Section 490.** All special charters in effect at the time this revision is enacted are repealed. However, any property right or vested interest that may have accrued by virtue of its charter is preserved to the city or town.

**Sections Repealed**

**Section 491.** That all of Title 15, Wyoming Statutes, 1957, and all amendments thereto; and chapters 15, 62, and 80, Session Laws of Wyoming, 1959; and Chapters 68, 79, 81, 107, 120, 130, and 163, Session Laws of Wyoming, 1961; Chapter 100, Session Laws of Wyoming 1961, as amended by Chapter 2, Session Laws of Wyoming Special Session 1964; and Chapters 56, 92, 107, 122, 155, and 190, Session Laws of Wyoming 1963, are hereby repealed.

**Effective date; Transactions Saved**

**Section 492.** (a) This Act takes effect July 1, 1965, and applies to transactions entered into and events occurring thereafter, but may not be construed to affect any substantive or vested right.

(b) Transactions validly entered into before July 1, 1965, and

the rights, duties and interests flowing from them remain valid thereafter and may be terminated, consummated, or enforced as required or permitted by any statute or other law repealed by this Act as though such repeal had not occurred, or at the option of the governing body, under this Act as if commenced hereunder.

(c) As to any local assessment district, the formation of which was commenced prior to the effective date of this act, the provisions hereof shall not apply to said district so commenced and the same shall proceed to completion in conformance with the law in effect prior to the effective date of this act.

Approved February 20, 1965

## CHAPTER 113

Original House Bill No. 315

### WYOMING CAPITOL IMPROVEMENT FUND

AN ACT creating the Wyoming Capitol Improvement Fund and providing for the custody and control thereof; providing authorization for the Capitol Building Commission to issue revenue bonds on behalf of the Wyoming Capitol Improvement Fund for the purposes of acquiring, equipping and operating certain real property together with all buildings and improvements thereon; authorizing the State Treasurer to purchase said bonds and authorizing the Capitol Building Commission to sell said bonds to the State Treasurer; providing that such bonds shall not be an indebtedness of the State of Wyoming or the Capitol Building Commission; providing for the retirement of the bonds; directing that the Capitol Building Commission shall make all rental agreements; providing for the use of certain portions of the purchased property; providing for an additional appropriation by the Workmen's Compensation Department from the Industrial Accident Reserve Fund; providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Fund Created**

**Section 1.** There is hereby created the Wyoming Capitol Improvement Fund.

#### **Control, Custody of Fund**

**Section 2.** The control to Wyoming Capitol Improvement Fund shall be vested in the Wyoming Capitol Building Commission. The custody shall be vested in the Wyoming State Treasurer.

#### **Commission May Acquire Property**

**Section 3.** The Wyoming Capitol Building Commission, having such powers and duties imposed upon it by Section 9-628, Wyoming Statutes 1957, is hereby authorized to acquire in the name of the State of Wyoming, in fee simple with good and merchantable title, and to equip, operate and maintain, the following described real property together with all appurtenance and improvements thereon, for the use and benefit of the State of Wyoming, its agencies and departments, to wit: Lot 5 Block 169, Lot 6 Block 169, and the west

fifty (50) feet of Lot 7 Block 169, all of which are situate in the City of Cheyenne, County of Laramie, State of Wyoming.

#### **Bonds; Terms**

**Section 4.** For the purpose of paying the cost thereof the Wyoming Capitol Building Commission is hereby authorized to borrow money, on behalf of the Wyoming Capitol Improvement Fund, on credit of the income and revenues to be derived from the operation of said property and in anticipation of the collection of such income and revenue, and the Commission is further authorized to issue negotiable bonds not to exceed the sum of Two Hundred Forty-Five Thousand Dollars (\$245,000.00) as may, in the opinion of the Commission, be necessary to accomplish the purpose hereof. Such bonds shall be in denominations of at least One Thousand Dollars (\$1,000.00), or multiples thereof, and shall be numbered from one (1) upwards and shall be payable in numerical order with interest at a rate not to exceed three (3) percentum per annum, payable annually and the maturity date thereof shall not exceed thirty (30) years from their date. Such bonds shall be known as "Capitol Improvement Fund Revenue Bonds".

#### **Treasurer May Purchase Bonds**

**Section 5.** The State Treasurer, as Trustee of the Wyoming Workmen's Compensation Industrial Accident Fund, by and with the approval and direction of the Governor and the Attorney General, is hereby authorized to purchase from the Commission, at private sale, all or any part of the bond issue as an investment for the Industrial Accident Reserve Fund. Such investment authority hereby given to the State Treasurer shall be, for the purpose of this Act, in addition to those provided for in Section 27-134, Wyoming Statutes 1957.

#### **Amount Which May Be Purchased**

**Section 6.** The Commission is hereby authorized to sell to the State Treasurer, as Trustee of the Industrial Accident Fund, at private sale, so many of said bonds as the Governor and the Attorney General may determine can be safely purchased for investment from the Industrial Accident Reserve Fund without handicapping the ability of said Fund to promptly meet its statutory obligations.

#### **Bonds to be Special Obligation; Revenue**

**Section 7.** The bonds issued pursuant to this Act shall not be an indebtedness of the State of Wyoming or the Capitol Building Commission but shall be special obligations of the Wyoming Capitol Improvement Fund, payable solely from the rents and revenues to be derived from the operation of the purchased property. All rentals and revenues earned from the operation of such property shall, as collected, be paid into the Wyoming Capitol Improvement Fund and the Commission is directed to pledge all or any part of such rents or revenues to the payment of principal and interest on the bonds, the operation and maintenance of the property and to create a reserve for such purposes.

#### **Rental Agreements**

**Section 8.** Rental agreements with all occupants, including but

not limited to state and federal agencies or divisions thereof, shall be made with the Commission at rates determined by the Commission.

#### **Workmen's Compensation Department to Occupy**

**Section 9.** The building and appurtenances thereto situate on Lots 5 and 6, Block 169, which constitute a part of the property purchased pursuant to this Act, shall be occupied by the Wyoming Workmen's Compensation Department and any remodeling or renovation shall be done by the Commission, the expense therefore to be paid from the Wyoming Capitol Improvement Fund, in accordance with plans and specifications approved by the State Treasurer and the Director of the Workmen's Compensation Department.

#### **Appropriation**

**Section 10.** There is hereby appropriated from the Industrial Accident Reserve Fund, an amount of Eight Thousand Four Hundred Fifty-four Dollars (\$8,454.00) which shall be in addition to the rent for office space to be appropriated under category 501 in the Workmen's Compensation Department Budget request for 1965-1967 biennium.

**Section 11.** This Act shall take effect and be in force immediately upon its passage.

Approved February 26, 1965.

### **CHAPTER 114**

Original Senate File No. 75

#### **FOUNDATION PROGRAM FUND**

AN ACT making an appropriation to the Foundation Program Fund for general aid to the public schools.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Appropriation**

**Section 1.** There is hereby appropriated out of any funds in the State Treasury of the State of Wyoming not otherwise appropriated, the sum of Three Million Two Hundred Thousand Dollars (\$3,200,000.00)\*, which sum shall be credited to the Foundation Program Fund in such amounts and at such times as the State Superintendent of Public Instruction shall request the State Auditor.

Corrected and Approved March 1, 1965, for \$3,700,000.00 as enacted.

\* NOTE: An examination of the journals and other records of the Legislature shows that during the course of passage, Original Senate File No. 75 was amended to read \$3,700,000.00, and, as amended, unanimously passed both Houses of the Legislature. Evidence of the passage of this law through the Legislature is on file in the office of the Secretary of State for examination.



## CHAPTER 115

Original Senate File No. 127

## STATE OFFICERS — SALARIES

AN ACT to amend and re-enact Section 5-3, Wyoming Statutes 1957, as amended and re-enacted by Section 16, Chapter 116, Session Laws of Wyoming, 1963, relating to and providing for an increase of the salary of Justices of the Supreme Court and Judges of the District Court; to amend and re-enact Section 5-25, Wyoming Statutes 1957, as amended and re-enacted by Section 17, Chapter 116, Session Laws of Wyoming, 1963, relating to and providing for an increase of the salary of the Clerk of the Supreme Court; to amend and re-enact, Section 5-27, Wyoming Statutes 1957, as amended and re-enacted by Section 18, Chapter 116, Session Laws of Wyoming, 1963, relating to and providing for an increase of the salary of the Deputy Clerk of the Supreme Court; to amend and re-enact Section 5-83, Wyoming Statutes 1957, as amended and re-enacted by Section 5, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of District Court Reporters; to amend and re-enact Section 7-328, Wyoming Statutes 1957, as amended and re-enacted by Section 6, Chapter 148, Session Laws of Wyoming 1961, relating to the salaries of the State Probation and Parole Officer and Field Supervisors, providing for an increase of the salary of the State Probation and Parole Officer and authorizing the salaries of Field Supervisors to be fixed by the Wyoming Personnel Commission; to amend and re-enact Section 7-371, Wyoming Statutes 1957, as amended and re-enacted by Section 7, Chapter 148, Session Laws of Wyoming 1961, relating to the salary of the Warden of the State Penitentiary and providing that it be fixed by the State Board of Charities and Reform; to amend and re-enact Section 9-2, Wyoming Statutes 1957, as amended and re-enacted by Section 8, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salaries of the Secretary of State, State Auditor, State Treasurer, and Superintendent of Public Instruction; to amend and re-enact Section 9-5, Wyoming Statutes 1957, as amended and re-enacted by Section 6, Chapter 116, Session Laws of Wyoming 1963, relating to and providing for an increase of the salaries of deputies to elected state officers; to amend and re-enact Section 9-25, Wyoming Statutes 1957, as amended and re-enacted by Section 9, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the administrative assistant to the Governor; to amend and re-enact Section 9-82, Wyoming Statutes 1957, as amended and re-enacted by Section 10, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the Director of Workmen's Compensation; to amend and re-enact Section 9-91, Wyoming Statutes 1957, as amended and re-enacted by Section 11, Chapter 148, Session Laws of Wyoming 1961, relating to the salaries of the state examiner, deputy state examiner, senior bank examiner, assistant examiners and clerks, providing for an increase of the salary of the examiner, his deputy and the senior bank examiner, but providing that the salaries of assistant examiners and clerks be fixed by the Wyoming Personnel Commission; to amend and re-enact Section 9-126, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 116, Session Laws of Wyoming 1963, relating to and providing for an increase of the salary of the Attorney General; to amend and re-enact Section 9-136, Wyoming Statutes 1957, as amended and re-enacted by Section 13, Chapter 116, Session Laws of Wyoming 1961, relating to and providing for an increase of the salaries of the Deputy Attorney General, Assistant and Special Assistant Attorneys General; to amend and re-enact Section 9-140, Wyoming Statutes 1957, as amended and re-enacted by Section 4, Chapter 116, Session Laws of Wyoming 1963, relating to and providing for an increase of the salary of the State Engineer; to amend and re-enact Section 9-141, Wyoming Statutes 1957, as amended and re-enacted by Section 5, Chapter 116, Session Laws of Wyoming 1963, relating to the salaries of Deputy, First and Second Assistant State Engineers, providing for an increase of the salary of the Deputy State Engineer but providing that the salaries of the First and Second Assistant State Engineers be fixed by the Wyoming Personnel Commission; to amend and re-enact Section 9-153, Wyoming Statutes 1957, as amended and re-enacted by Section 16, Chapter 148, Session Laws of Wyoming 1961, relating to and providing

for an increase of the salary of the Director of Water Resources and Director of Industrial Development of the Natural Resource Board; to amend and re-enact Section 9-165, Wyoming Statutes 1957, relating to and providing for an increase of the salary of the Manager and Secretary of the Wyoming Travel Commission; to amend and re-enact Section 9-171, Wyoming Statutes 1957, as amended and re-enacted by Section 17, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the Secretary to the State Board of Charities and Reform; to amend and re-enact Section 9-206, Wyoming Statutes 1957, as amended and re-enacted by Section 7, Chapter 116, Session Laws of Wyoming 1963, relating to and providing for an increase of the salaries of the State Librarian and Director of the State Archives and Historical Department; to amend and re-enact Section 9-254, Wyoming Statutes 1957, as amended and re-enacted by Section 19, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the State Geologist; to amend and re-enact Section 9-279, Wyoming Statutes 1957, as amended and re-enacted by Section 20, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the Personnel Director; to amend and re-enact Section 9-299, Wyoming Statutes 1957, as amended and re-enacted by Section 21, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the Director of the Wyoming Retirement System; to amend and re-enact Section 9-504, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 116, Session Laws of Wyoming 1963, relating to and providing for an increase of the salary of the Assistant Budget Officer; to amend and re-enact Section 10-15, Wyoming Statutes 1957, as amended and re-enacted by Section 23, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the Director of the Wyoming Aeronautics Commission; to amend and re-enact Section 11-9, Wyoming Statutes 1957, as amended and re-enacted by Section 24, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the Commissioner of Agriculture; to amend and re-enact Section 11-24, Wyoming Statutes 1957, as amended and re-enacted by Section 25, Chapter 148, Session Laws of Wyoming 1961, relating to the salaries of the State Entomologist and his Deputies and providing for an increase in the salary of the State Entomologist, but that the salaries of his deputies be fixed by the Wyoming Personnel Commission; to amend and re-enact Section 11-205, Wyoming Statutes 1957, as amended and re-enacted by Section 26, Chapter 148, Session Laws of Wyoming 1961, relating to the salary of the State Seed Analyst and providing that his salary be fixed by the Wyoming Personnel Commission; to amend and re-enact Section 11-270, Wyoming Statutes, 1957, as amended and re-enacted by Section 27, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the State Veterinarian; to amend and re-enact Section 12-40, Wyoming Statutes 1957, as amended and re-enacted by Section 28, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for increases of the salaries of the Director of the Wyoming Liquor Commission and his Assistant; to amend and re-enact Subsection (b) of Section 19-29, Wyoming Statutes 1957, as amended and re-enacted by Section 29, Chapter 148, Session Laws of Wyoming 1961, relating to the salary of the State Quartermaster and providing that it be fixed by the Wyoming Personnel Commission; to amend and re-enact Section 19-49, Wyoming Statutes 1957, as amended and re-enacted by Section 30, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the Adjutant General; to amend and re-enact Subsection (a) Section 19-103, Wyoming Statutes 1957, as amended and re-enacted by Section 31, Chapter 148, Session Laws of Wyoming 1961, relating to the salary of the Deputy Director of Civil Defense and providing that it be fixed by the Wyoming Personnel Commission; to amend and re-enact Section 21-353, Wyoming Statutes 1957, as amended and re-enacted by Section 32, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for the fixing of the salaries of the University of Wyoming Director of Finance and Budget and Superintendent of Buildings and Grounds by the University of Wyoming Board of Trustees; to amend and re-enact Section 23-20, Wyoming Statutes 1957, as amended and re-enacted by Section 8, Chapter 116, Session Laws of Wyoming 1963, relating to and providing for an increase of the salary of the Chief Clerk of the Game and Fish Commission; to amend and re-enact Section 23-28, Wyoming Statutes 1957, as amended and re-enacted by Sec-

tion 9, Chapter 116, Session Laws of Wyoming 1963, relating to and providing for an increase of the salary of the State Game and Fish Commissioner; to amend and re-enact Section 23-30, Wyoming Statutes 1957, as amended and re-enacted by Section 10, Chapter 116, Session Laws of Wyoming 1963, relating to and providing for an increase of the salary of the State Game Warden and the State Fish Warden; to amend and re-enact Section 24-33, Wyoming Statutes 1957, as amended and re-enacted by Section 3, Chapter 116, Session Laws of Wyoming 1963, relating to and providing for an increase of the salary of the State Highway Superintendent; to amend and re-enact Section 26-2, Wyoming Statutes 1957, as amended and re-enacted by Section 37, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the Insurance Commissioner; to amend and re-enact Section 26-3, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 108, Session Laws of Wyoming 1963, relating to the salaries of the Deputy Insurance Commissioner and Examiners, Clerks and Assistants and providing for an increase in the salary of the Deputy, but that the salaries of examiners, clerks and assistants are to be fixed by the Wyoming Personnel Commission; to amend and re-enact Section 27-20, Wyoming Statutes 1957, as amended and re-enacted by Section 11, Chapter 116, Session Laws of Wyoming 1963, relating to the salary of the Commissioner of Labor and his Deputy and providing that the salary of the Deputy be fixed by the Wyoming Personnel Commission; to amend and re-enact Sub-Section B of Section 27-32, Wyoming Statutes 1957, as amended and re-enacted by Section 40, Chapter 148, Session Laws of Wyoming 1961, relating to the providing for an increase of the salary of the Executive Director of the Employment Security Commission; to amend and re-enact Subsection (b) of Section 35-24, Wyoming Statutes 1957, as amended and re-enacted by Section 42, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the State Director of the Department of Public Health; to amend and re-enact Section 35-230, Wyoming Statutes 1957, as amended and re-enacted by Section 43, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the State Chemist; to amend and re-enact Section 35-231, Wyoming Statutes 1957, as amended and re-enacted by Section 44, Chapter 148, Session Laws of Wyoming 1961, relating to the salaries of the Assistant and Second Assistant to the State Chemist and providing that such salaries be fixed by the Wyoming Personnel Commission; to amend and re-enact Section 36-32, Wyoming Statutes 1957, as amended and re-enacted by Section 13, Chapter 116, Session Laws of Wyoming 1963, relating to and providing for an increase of the salary of the Commissioner of Public Lands; to amend and re-enact Section 37-3, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 23, Session Laws of Wyoming 1963, relating to and providing for an increase of the salaries of State Board of Equalization and Public Service Commission members; to amend and re-enact Section 39-23, Wyoming Statutes 1957, as amended and re-enacted by Section 49, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the Secretary of the State Board of Equalization and Public Service Commission; to amend and re-enact Section 42-39, Wyoming Statutes 1957, as amended and re-enacted by Section 50, Chapter 148, Session Laws of Wyoming 1961, relating to and providing for an increase of the salary of the Director of the State Department of Public Welfare; to amend and re-enact Section 3, Chapter 28, Session Laws of Wyoming 1963, relating to the salary of the Chief Deputy State Fire Marshal and providing that it be fixed by the Wyoming Personnel Commission; to amend and re-enact Section 4, Chapter 28, Session Laws of Wyoming 1963, relating to and providing for an increase of the salary of the State Fire Marshal; providing for a limit on the salaries of State employees whose compensation is not fixed by statute; and making an appropriation for the salaries and expenses of such appointed officers and employees of the State of Wyoming, and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Judges of Supreme, District Courts**

**Section 1.** That Section 5-3, Wyoming Statutes 1957, as amended

and re-enacted by Section 16, Chapter 116, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

Subject to the provisions of Article 5, Section 17 of the Wyoming Constitution as amended, the justices of the supreme court shall receive an annual salary of Sixteen Thousand Five Hundred Dollars (\$16,500.00) and the judges of the district court shall receive an annual salary of Fifteen Thousand Dollars (\$15,000.00) which shall be paid in monthly installments at the end of each month, and upon request, the State Auditor shall draw warrants upon the State Treasurer accordingly, in favor of said justices and judges.

#### **Clerk of the Supreme Court**

**Section 2.** That Section 5-25, Wyoming statutes 1957, as amended and re-enacted by Section 17, Chapter 116, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

The clerk of the supreme court shall receive an annual salary of Eight Thousand Dollars (\$8,000.00) which shall be paid in monthly installments at the end of each month, and the Auditor shall draw warrants upon the treasurer payable to said clerk in payment of such salary.

#### **Deputy Clerk of the Supreme Court**

**Section 3.** That Section 5-27, Wyoming Statutes 1957, as amended and re-enacted by Section 18, Chapter 116, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

The clerk of the supreme court may, by and with the consent of the justices of the supreme court, or a majority thereof, appoint a deputy clerk, who shall reside where the supreme court is held. The deputy shall take and subscribe a like oath with his principal and may perform all the duties of said office in the name of his principal, and the attestation of said deputy to all decrees, orders and processes, shall have the same effect and force as if issued by his principal. Said deputy clerk shall receive an annual salary of Six Thousand Eight Hundred Dollars (\$6,800.00) which shall be paid in monthly installments at the end of each month, and the auditor shall draw warrants upon the treasurer payable to said deputy clerk in payment of such salary.

#### **District Court Reporter**

**Section 4.** That Section 5-83, Wyoming Statutes 1957, as amended and re-enacted by Section 5, Chapter 148, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

Each official District Court Reporter in this State shall be paid a salary of Six Thousand Eight Hundred Dollars (\$6,800.00) per annum, payable in equal monthly installments upon warrant of the State Auditor upon the State Treasurer.

#### **Probation and Parole**

**Section 5.** That Section 7-328, Wyoming Statutes 1957, as amended and re-enacted by Section 6, Chapter 148, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

The Board shall appoint an officer to be known as the State Probation and Parole Officer who shall receive a salary to be fixed by the board, at a sum not to exceed Eight Thousand Four Hundred Dollars (\$8,400.00) per annum and field supervisors who shall each receive a salary to be fixed and established by the Wyoming Personnel Commission; such salaries shall be paid in equal monthly amounts and in addition to such salaries, said officers shall receive necessary subsistence and traveling expenses allowed by law while in the performance of their duties away from their permanent headquarters. Such officers shall devote their entire time to the work of enforcing and carrying out the provisions of this Act and shall consult and co-operate with the Courts and institutions of the State in the development of plans and methods of procedure in administering the probation and parole laws of the State, and shall, under the direction and supervision of the Board, supervise the conduct of all persons granted a parole while such parole is in effect, and shall also supervise the conduct of all persons granted probation by the District Courts of this State, while such probation is in effect, and make reports to the Judges of such Courts from time to time as conditions may require concerning the conduct of such probationer.

#### **Warden of Penitentiary**

**Section 6.** That Section 7-371, Wyoming Statutes 1957, as amended and re-enacted by Section 7, Chapter 148, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

The State Board of Charities and Reform and the Warden of the State Penitentiary of the State of Wyoming are hereby constituted a commission which shall be known as the State Commission on Prison Labor, with full power and authority to carry into effect, to its fullest extent, the provisions of this Act. The office of Warden of the State Penitentiary is hereby created. The said office to be held by appointment of the Board of Charities and Reform. The Warden to be subject to removal by the Board. The Warden shall receive a salary to be fixed by State Board of Charities and Reform, payable in equal monthly installments, upon vouchers approved by the Board of Charities and Reform submitted to the State Auditor in the same manner as other accounts against the State are paid, and the Warden shall receive no additional monetary compensation for services rendered from any source whatsoever.

#### **Elected Officials**

**Section 7.** That Section 9-2, Wyoming Statutes 1957, as amended and re-enacted by Section 8, Chapter 148, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

Until otherwise provided by law, the Governor shall receive an annual salary of Twenty Thousand Dollars (\$20,000.00); in addition to such salary, the Governor shall be allowed all necessary actual incidental expenditures that he may incur on out-of-state travel; the Secretary of State, State Auditor, State Treasurer and Superintendent of Public Instruction, shall receive an annual salary of Fifteen Thousand Dollars (\$15,000.00); and the salaries of any such officers shall not be increased or diminished during the period for which they are elected, and all excess or profits arising from any of said offices shall be covered into the State Treasury.

**Deputies of Elected Officials**

**Section 8.** That Section 9-5, Wyoming Statutes 1957, as amended and re-enacted by Section 6, Chapter 116, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

The deputy secretary of state, deputy state auditor, deputy state superintendent of public instruction and deputy state treasurer shall each receive a salary of Nine Thousand Six Hundred Dollars (\$9,600.00) per annum, all payable in equal monthly installments upon vouchers submitted in proper form to the state auditor and in the same manner that other accounts against the state are paid. No such deputy shall receive any additional salary or compensation of any kind than that provided in Section 9-632, Wyoming Statutes 1957, for the clerk of the capitol building commission; provided, however, that in those cases wherein any such deputy shall become obligated, through death, resignation, vacancy or for any other reason, to perform and fulfill the duties of the elective official under whom he or she is serving, for the duration of such state officer's remaining tenure, then such deputy shall receive as salary, in lieu of that salary hereinbefore provided, an amount equaling nine-tenths (9/10) of the said elective officer's statutory salary at the time such office is vacated.

**Administrative Assistant to Governor**

**Section 9.** That Section 9-25, Wyoming Statutes 1957, as amended and re-enacted by Section 9, Chapter 148, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

The Administrative Assistant to the Governor of the State of Wyoming shall receive an annual salary of Eleven Thousand Dollars (\$11,000.00) to be paid in equal monthly installments by the State Treasurer in the manner and form prescribed for the payment of salaries and contingent expenses of State officers.

**Director, Workmen's Compensation**

**Section 10.** That Section 9-82, Wyoming Statutes 1957, as amended and re-enacted by Section 10, Chapter 148, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

There is hereby created in the office of the state treasurer the position of director of workmen's compensation. The director of workmen's compensation shall be appointed by the state treasurer and shall receive a salary of not to exceed the sum of Nine Thousand Six Hundred Dollars (\$9,600.00) per annum.

**State Examiners**

**Section 11.** That Section 9-91, Wyoming Statutes 1957, as amended and re-enacted by Section 11, Chapter 148, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

The State Examiner shall receive a salary of Twelve Thousand Dollars (\$12,000.00) per year, payable in Twelve (12) equal installments. The Deputy State Examiner shall receive a salary of Ten Thousand Dollars (\$10,000.00) per annum, payable in Twelve (12) equal monthly installments. The Senior Bank Examiner shall receive

a salary to be determined and fixed by the Wyoming Personnel Commission. The salary of every other examiner and assistant examiner as shall be appointed as provided in this article, and the salary of such clerical assistants as may be employed shall be at such rate per annum as the Wyoming Personnel Commission shall determine and fix. The State Examiner, Examiners, Assistant Examiners and Clerks shall receive their necessary subsistence and traveling expenses allowed by law while in performance of their duties away from their permanent headquarters.

#### **Attorney General**

**Section 12.** That Section 9-126, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 116, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

The attorney general shall receive a salary of Fourteen Thousand and Four Hundred Dollars (\$14,400.00) per annum, to be paid monthly, by the state treasurer on warrant of the state auditor, for that purpose. His office shall be kept in the state capitol building and he shall not open an office elsewhere, and shall not engage in any private practice except to consummate business pending at the time of his appointment if not in conflict with the duties of his office.

#### **Deputy Attorney General**

**Section 13.** That Section 9-136, Wyoming Statutes 1957, as amended and re-enacted by Section 13, Chapter 116, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

The salary of the Deputy Attorney General shall be Eleven Thousand Dollars (\$11,000.00) per annum.

#### **State Engineer**

**Section 14.** That Section 9-140, Wyoming Statutes 1957, as amended and re-enacted by Section 4, Chapter 116, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

The State Engineer shall receive a salary of Thirteen Thousand Dollars (\$13,000.00) per annum, and shall receive no additional compensation for services rendered from any source whatsoever.

#### **Deputy Assistant State Engineer**

**Section 15.** That Section 9-141, Wyoming Statutes, 1957, as amended and re-enacted by Section 5, Chapter 116, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

The State Engineer shall appoint a deputy State Engineer who shall be a registered professional engineer in accordance with the laws of Wyoming and who shall have had at least five (5) years of engineering practice and residence in Wyoming. The deputy State Engineer shall receive a salary of Ten Thousand Dollars (\$10,000.00) per annum, payable in regular monthly installments.

The state engineer shall appoint a first assistant state engineer, who shall be a registered professional engineer or land surveyor in accordance with the Laws of Wyoming, and who shall have had at

least three (3) years of engineering or land surveying practice and residence in Wyoming.

The state engineer may employ a second assistant state engineer who shall be qualified to perform such duties as may be assigned him by the state engineer.

The first and second assistant state engineers shall receive such salaries as shall be established and fixed by the Wyoming Personnel Commission.

#### **Director of Water Resources, Industrial Development**

**Section 16.** That Section 9-153, Wyoming Statutes 1957, as amended and re-enacted by Section 16, Chapter 148, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

The Board shall have the direct duty to formulate the policies and programs to be carried out by the separate divisions.

The board shall have the power to appoint sub-committees from its members to expedite its work but such sub-committees shall not have the power to make decisions, but shall report to the full board its recommendations for approval and action by the board.

The board shall submit an annual detailed report to the governor and to each member of the legislature on or before the first day of January of each year of the operation of the board and its sub-divisions for the year.

The board with the approval of the governor shall appoint a director of water resources who shall be a registered professional engineer and land surveyor in accordance with the Laws of Wyoming who shall receive a salary of not to exceed Nine Thousand Six Hundred Dollars (\$9,600.00) per annum, payable in equal monthly installments, and a director of industrial development who shall receive a salary not to exceed Nine Thousand Six Hundred Dollars (\$9,600.00) per annum, payable in equal monthly installments. With the consent of the board, the director may employ such legal, technical and other assistants and employees as may be necessary to enable him to perform the duties and to carry out the purposes of this Act.

The board shall maintain its principal office in the state capitol and shall be empowered to adopt from time to time suitable rules and regulations for the administration of this Act.

In addition to any other powers and duties imposed by law, the board is authorized as follows:

1. To make such duties and investigations and prepare such plans and specifications for development as it may deem proper in connection with any resource of the state, industry or business within the state and the attraction of new industries into the State of Wyoming and to co-operate in the development and establishment thereof;

2. When no other officer or agency of the state is specifically empowered by law so to do, to authorize one or more of its members, subject to the approval of the governor, to appear and represent the state in any proceeding or hearing whatsoever including those before



the congress, any department, bureau or agency of the United States or any state of the union;

3. To receive, initiate, investigate, consider, recommend and promote as herein provided small cost projects costing less than \$100,000.00, projects, plans and proposals for orderly and planned development, improvement and extension of public works, private works by agreement with the proper parties and private works affected with public interest within this state;

4. To finance or assist in the financing of any such small cost projects, projects and plans, including specifically, but not exclusively, those stated in this Act;

5. To make plans and proposals for conducting adequate surveys and tests of surface, subsurface, and other waters wherever found, both within and beyond the state boundaries, providing such surveys in another state shall not be prohibited by the law of that state;

6. To conduct examinations, studies, tests and estimates of costs relating to the conservation, storage, distribution and use of water;

7. To prepare and compile all information and data obtained, and make the same available to any and all individuals, local, state or federal agencies, departments, or subdivisions, irrigation, drainage or power districts and to the general public;

8. To co-operate in all water conservation work or activities with any irrigation, drainage or power district, county, city, state, federal or other agency in the development and beneficial use of the state's water resources, provided that such acts of co-operation shall not involve the making of any interstate water compact until authorized by the legislature of the State of Wyoming.

9. To make studies and interpretations of such compacts as have been or may be hereafter negotiated and, consistent with the intent, purpose and provisions of such compacts, make surveys and compile data within and without the State of Wyoming for the protection of the water rights of the State of Wyoming and the inhabitants thereof;

10. To make studies of soil and its uses, including adaptability for cultivated crops, range, and economic potentialities and related subjects of benefit to agriculture and stock raising;

11. To make studies of all mineral resources, mines and mining, the exploration, development, conservation and production of oil and gas and other minerals, and present and future development thereof;

12. To formulate and recommend prior to each session of the legislature the enactment of such legislation as may be necessary to effectuate a definite program or plan for the proper conservation, development and most beneficial utilization of the resources of the state;

13. To make studies to promote and protect the forest and range areas within the State of Wyoming including those owned by individuals, by the state or the United States;

14. To loan according to law money, assets and property to departments and agencies of state and local government, persons, corporations and associations in this state at such interest rates and taking such security and upon such terms and for such purposes as the board shall deem consistent with the purposes of this Act, and in connection therewith to foreclose any security contracts or otherwise take possession of the security and hold, own, manage, construct improvements on, improve, maintain and operate properties or assets, provided that title to all such property shall be in the State of Wyoming.

#### **Manager, Wyoming Travel Commission**

**Section 17.** That Section 9-165, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

The commission shall promptly appoint a manager, who may also act as its secretary, define his duties and fix his compensation, not to exceed the sum of Nine Thousand Six Hundred Dollars (\$9,600.00) per annum, payable in equal monthly installments out of the commission's appropriated funds, and it shall provide for such other employed personnel and expense as it deems necessary.

#### **Secretary, Board of Charities and Reform**

**Section 18.** That Section 9-171, Wyoming Statutes 1957, as amended and re-enacted by Section 17, Chapter 148, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

The state board of charities and reform shall appoint a secretary, and shall provide for such assistants to the secretary as are necessary to keep a careful record of the transactions of the board in a substantial and bound book, to be kept for that purpose, and which shall be known as the record and proceedings of the state board of charities and reform. Such secretary shall be paid a salary to be fixed by the state board of charities and reform, but such salary shall not exceed the sum of Nine Thousand Six Hundred Dollars (\$9,600.00) per annum. The secretary shall countersign all papers, instruments, or documents approved, made, or directed by the board; he shall also, for the board and under its direction, make a biennial report to the governor, during the month of December in each even numbered year, showing clearly and succinctly the condition of all institutions under the control or supervision of said board, whether general or direct, giving the number of inmates therein, their age, sex, condition, religious belief, conduct, and all other matters pertaining thereto, and such reports shall also contain such recommendations as the board may see fit to make to the governor, or the legislature, as shall tend to ameliorate the conditions of the inmates of such institutions, that may tend to prevent crime, and as the claims of humanity and the public good may require; and he shall perform such other duties as shall be assigned to that office by the state board of charities and reform.

#### **State Librarian; Director, Archives and Historical Department**

**Section 19.** That Section 9-206, Wyoming Statutes 1957, as amended and re-enacted by Section 7, Chapter 116, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

The state library, archives and historical board shall determine the salaries to be paid to the state librarian, the director of the state archives and historical departments, assistants and employees; provided, that the salary of the state librarian shall not exceed Nine Thousand Six Hundred Dollars (\$9,600.00) and the salary of the director of the state archives and historical department shall not exceed Nine Thousand Six Hundred Dollars (\$9,600.00). Salaries paid to assistants and employees shall be within the limits of the classification and compensation index of the Personnel Commission.

#### **State Geologist**

**Section 20.** That Section 9-254, Wyoming Statutes 1957, as amended and re-enacted by Section 19, Chapter 148, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

A professor of geology at the University of Wyoming shall be eligible for appointment as state geologist, and shall receive an annual salary not to exceed the sum of Three Thousand Dollars (\$3,000.00) upon confirmation and approval by the board of state supplies in addition to that received as a professor of geology at the University of Wyoming.

#### **Personnel Director**

**Section 21.** That Section 9-279, Wyoming Statutes 1957, as amended and re-enacted by Section 20, Chapter 148, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

The governor shall be the chief personnel officer of the state and he shall direct the execution of this Act. He shall appoint a deputy personnel officer, who shall be known as the personnel director, who shall serve in this capacity at the pleasure of the governor. The salary of the personnel director shall be fixed by the chief personnel officer and shall not exceed the sum of Nine Thousand Six Hundred Dollars (\$9,600.00) per annum. The governor, as chief personnel officer, may appoint such other competent personnel assistants and employees as he may require to carry out the provisions of this Act; said personnel assistants and employees to serve at his pleasure. He may, if he so desires, appoint to serve at his pleasure an advisory committee on personnel administration, composed of any of the appointing authorities of state agencies, and such other persons as he may designate. At his discretion, he may assign to officers and employees of the state such duties as he sees fit in connection with the administration of this Act; such officers and employees shall receive no extra compensation for the performance of such duties, but shall be reimbursed for necessary travel and other expenses.

#### **Director, Wyoming Retirement System**

**Section 22.** That Section 9-299, Wyoming Statutes 1957, as amended and re-enacted by Section 21, Chapter 148, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

The board shall elect a chairman from its members, and shall employ a director and a consulting actuary and such other professional and clerical assistants as may be necessary for the administration of the retirement system. The compensation of such employees shall

be fixed by the board, subject to confirmation and approval by the State Personnel Commission and together with all other necessary expenses of the board shall be paid by vouchers drawn on the state treasurer of Wyoming; provided, that the salary of the director shall not exceed the sum of Nine Thousand Six Hundred Dollars (\$9,600.00) per annum; and provided, that the director shall also serve, without additional compensation, as secretary of the board.

The members of the board other than the two elector members shall serve without compensation, but shall suffer no loss of wages for the time devoted to the duties of the board. The elector members of the board shall receive twelve dollars (\$12.00) per day for the time actually and necessarily devoted to the duties of the board. All members and employees of the board shall be reimbursed for their actual and necessary expenses incurred through services on the board, at rates applicable to other state employees.

A majority of the members of the board shall constitute a quorum for the transaction of its business. The board may adopt and use a common seal and alter it at pleasure .

#### **Assistant Budget Officer**

**Section 23.** That Section 9-504, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 116, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

The governor shall be chief budget officer of the state and shall appoint an assistant budget officer who shall serve at the pleasure of the chief budget officer. The said assistant budget officer also shall be ex-officio state purchasing agent. Provided, however, when the said assistant budget officer serves as state purchasing agent, he shall do so under the direct supervision of the board of state supplies as provided in Section 9-1, Wyoming Statutes 1957. The assistant budget officer shall receive a salary of Eleven Thousand Dollars (\$11,000.00) per annum, to be paid monthly by the state treasurer on warrant of the state auditor for that purpose. Said assistant budget officer shall, as soon as appointed proceed to make a detailed study of the departments and establishments of the State, for the purpose of enabling the Governor to determine what changes, (with a view of securing greater economy and efficiency in the conduct of public service) should be made in:

The existing organizations, activities, and methods of business of such departments or establishments.

The appropriations therefor.

The assignment of particular activities or particular services.

The re-grouping of services. The results of such study shall be embodied in a report or reports to the Governor, who shall transmit to the legislature such report or reports with his recommendations on the matters covered thereby.

#### **Director, Aeronautics Commission**

**Section 24.** That Section 10-15, Wyoming Statutes 1957, as amended and re-enacted by Section 23, Chapter 148, Session Laws

of Wyoming 1961, is amended and re-enacted to read as follows:

There is hereby created, the Wyoming Aeronautics commission to consist of seven (7) commissioners appointed by the Governor, by and with the consent of the senate, each to serve for a term of six (6) years. Two commissioners shall be appointed at-large for a term of six (6) years, except that the commissioner first appointed shall serve for a period of three (3) years and the second commissioner shall serve a full six (6) year term.

One commissioner shall be appointed from each of the following described districts:

District No. 1 composed of the counties of Laramie, Albany, Platte and Goshen;

District No. 2 composed of the counties of Carbon, Sweetwater, Uinta, Lincoln, Sublette and Teton;

District No. 3 composed of the counties of Niobrara, Converse, Natrona and Fremont;

District No. 4 composed of the counties of Hot Springs, Washakie, Big Horn and Park;

District No. 5 composed of the counties of Sheridan, Johnson, Campbell, Crook and Weston.

If any commissioner shall cease to be a resident of the district from which he is appointed, his office shall be vacant; all vacancies from any cause shall be filled by appointment by the governor for the unexpired term.

Not more than four members of the commission shall be of the same political party. Each of said commissioners shall qualify by taking the constitutional oath of office, and each shall act without pay, except that he may receive his actual traveling expenses according to law.

The commission may appoint a director, if and when necessary, with a salary to be fixed by the commission, such salary not to exceed the sum of Nine Thousand Six Hundred Dollars (\$9,600.00) per annum, payable in equal monthly installments. The commission may maintain an office in the state capitol which shall be in charge of the director. The director shall be experienced and skilled in airport construction and maintenance, and have a general knowledge of all phases of aviation; he shall be allowed his necessary traveling and other expenses incurred in the discharge of his official duties. Before entering upon the duties of his office, he shall take the constitutional oath of office and give bond to the State of Wyoming in such sum as the commission shall determine conditioned upon the faithful performance of his duties, and his accounting for all moneys, property, materials, and records under his control.

The commission is hereby authorized and empowered to receive on behalf of the State all grants of money, property or other things of value from the federal government, the State of Wyoming or other public agency or private individual.

**Commissioner of Agriculture**

**Section 25.** That Section 11-9, Wyoming Statutes 1957, as amended and re-enacted by Section 24, Chapter 148, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

The Commissioner of Agriculture shall receive a salary of not to exceed Eleven Thousand Dollars (\$11,000.00) per annum, payable in equal monthly installments.

**State Entomologist, Deputies**

**Section 26.** That Section 11-24, Wyoming Statutes 1957, as amended and re-enacted by Section 25, Chapter 148, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

As compensation, the State Entomologist and his deputies shall receive salaries to be fixed by the Wyoming Personnel Commission and such officers shall receive in addition to their salaries, traveling and per diem expenses as provided by law.

**State Seed Analyst**

**Section 27.** That Section 11-205, Wyoming Statutes 1957, as amended and re-enacted by Section 26, Chapter 148, Session Laws of Wyoming 1961, be amended and re-enacted to read as follows:

The State Seed Analyst shall be selected by the State Board of Agriculture. Such Analyst shall receive a salary to be determined and fixed by the Wyoming Personnel Commission, to be paid by the State of Wyoming out of any money not otherwise appropriated, the same to be paid by the State Auditor in the manner provided for payment of other accounts against the State.

**State Veterinarian**

**Section 28.** That Section 11-270, Wyoming Statutes 1957, as amended and re-enacted by Section 27, Chapter 148, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

The Board shall appoint a Chief Executive officer who shall be graduate of a recognized veterinary college or of a veterinary department of a recognized university, and who must be licensed to practice veterinary medicine in the State of Wyoming, and who shall be the State Veterinarian whose salary shall not exceed Twelve Thousand Dollars (\$12,000.00) a year, and whose term of office shall extend during the pleasure of the Wyoming Livestock and Sanitary Board and until his successor is appointed and qualified.

**Director, Wyoming Liquor Commission**

**Section 29.** That Section 12-40, Wyoming Statutes 1957, as amended and re-enacted by Section 28, Chapter 148, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

The salary of the Director of the Wyoming Liquor Commission shall not exceed Nine Thousand Four Hundred Dollars (\$9,400.00) per year, and the salary of the assistant Director-Purchasing agent of the Wyoming Liquor Commission shall not exceed Eight Thousand Dollars (\$8,000.00) per year.

**State Quartermaster**

**Section 30.** That Sub-Section (b) of Section 19-29, Wyoming Statutes 1957, as amended and re-enacted by Section 29, Chapter 148, Sessions Laws of Wyoming 1961, is amended and re-enacted to read as follows:

(b) The annual compensation of the State Quartermaster shall be determined and fixed by the Wyoming Personnel Commission, and he shall in addition to the bond required by the United States furnish good and sufficient bond in the sum of Five Thousand Dollars (\$5,000.00) for the faithful performance of his duty.

**Adjutant General**

**Section 31.** That Section 19-49, Wyoming Statutes 1957, as amended and re-enacted by Section 30, Chapter 148, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

The Adjutant General shall be in control of the Military Department of the State of Wyoming and subordinate to the Governor in matters pertaining thereto. He shall issue and transmit all orders of the Commander-in-Chief and make such returns and reports as the Secretary of Defense may direct, or from time to time prescribe, and shall keep a record of all officers commissioned by the Governor and all orders, rules and regulations as prescribed by the Secretary of Defense and the several agencies of the Department of Defense for the National Guard for the State of Wyoming. He shall audit all claims and accounts against the State not otherwise provided by law and shall have charge and carefully preserve the Colors, flags and Military trophies of war belonging to the State, and shall not allow the same to be loaned or removed from their present place of deposit. He shall furnish all organizations with the proper blanks, books and forms required, and such Military instruction books as may be prescribed. He shall, on or before the fifteenth (15th) day of December next preceding the regular session of the legislature, make an account of all moneys received and expended together with a report of such other matters of interest as may be required by the Governor for the preceding two (2) years, and shall also report at such other times as the Governor may require. He shall make out reports, returns, etc. to the several agencies of the Department of Defense as may be required by law or regulations. He shall be entitled to use the coat of arms of the State of Wyoming as his seal of office with the words: "State of Wyoming, Adjutant General's Office". The Adjutant General may be required to give bonds, conditioned on the faithful performance of his official duties, in such sum as the Commander-in-Chief may direct. The annual compensation of the Adjutant General shall be Nine Thousand Four Hundred Dollars (\$9,400.00) and shall be paid monthly out of the State Treasury as the salaries of other State officers are paid.

**Deputy Director, Civil Defense**

**Section 32.** That Sub-section (a) Section 19-103, Wyoming Statutes 1957, as amended and re-enacted by Section 31, Chapter 148, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

(a) The Governor is hereby authorized and directed to create a Civil Defense Agency under the Adjutant General, who shall be the Director and to appoint a Deputy Director of Civil Defense who shall be the administrator thereof, and such assistants as may be necessary. The Deputy Director shall be compensated in an amount to be determined and fixed by the Wyoming Personnel Commission.

### **University of Wyoming**

**Section 33.** That Section 21-353, Wyoming Statutes 1957, as amended and re-enacted by Section 32, Chapter 148, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

The board of trustees shall prescribe rules for the government of the university and all its branches, elect the requisite officers, professors, instructors and employees, a director of finance and budget and a superintendent of buildings and grounds, any of whom may be removed for cause, and fix the salary and term of office of each. The Board of trustees shall prescribe the studies to be pursued and the textbooks to be used, and determine the qualifications of applicants for admission to the various courses of study; but no instruction either sectarian in religion or partisan in politics, shall ever be allowed in any department of the university, and no sectarian or partisan test shall ever be exercised or allowed in the appointment of trustees, or in the election or removal of professors, teachers or other officers of the university, or in the admission of students thereto, or for any purpose whatsoever. The board of trustees shall also have power to confer such degrees and grant such diplomas as are usual in universities, or as they shall deem appropriate, through by-laws to confer upon the faculty the power to suspend or expel students for causes therein prescribed; to possess and use for the benefit of the institution, all property of the university; to hold, manage, lease, or dispose of, according to law, any real or personal estate, as shall be conducive to the welfare of the institution; to expend the income placed under their control, from whatever source derived, and finally to exercise any and all other functions properly belonging to such a board and necessary to the prosperity of the university in all its departments.

### **Chief Clerk, Game and Fish Commission**

**Section 34.** That Section 23-20, Wyoming Statutes 1957, as amended and re-enacted by Section 8, Chapter 116, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

The Commission shall appoint, at a salary not to exceed Nine Thousand Six Hundred Dollars (\$9,600.00) per annum, a Chief Clerk of the Game and Fish Commission who shall act as Secretary of the Commission and shall perform such other duties as may be imposed upon his office by law and as may be directed by the Game and Fish Commissioner. He shall be removable at the pleasure of the Commissioner. Said Chief Clerk before entering upon his duties shall execute a surety bond to the State of Wyoming in the sum of Ten Thousand Dollars (\$10,000.00), conditioned upon the faithful performance of his duties and accounting for all moneys that may come into his hands as such Chief Clerk. The premiums of said bond shall



be paid out of the Wyoming Game and Fish Fund, and he shall subscribe to the Constitutional Oath of Office, and file same with the Secretary of State.

#### **Game and Fish Commissioner**

**Section 35.** That Section 23-28, Wyoming Statutes 1957, as amended and re-enacted by Section 9, Chapter 116, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

The Commission shall appoint a competent person at a salary not to exceed Eleven Thousand Five Hundred Dollars (\$11,500.00) per annum, to be known as the State Game and Fish Commissioner, who shall devote his entire time to the performance and supervision of the duties conferred on him by the Commission and by law. All acts by him shall be subject to revision, modification or approval of the Commission at its next or any subsequent meeting. The Commission may, in its discretion, appoint one of its own members to serve as the State Game and Fish Commissioner at a salary not to exceed one dollar (\$1.00) per year.

#### **Game, Fish Warden**

**Section 36.** That Section 23-30, Wyoming Statutes, 1957, as amended and re-enacted by Section 10, Chapter 116, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

The Commission shall appoint at salaries not to exceed Nine Thousand Six Hundred Dollars (\$9,600.00) per annum, one Game Warden and one Fish Warden for the State of Wyoming, who shall be men of knowledge of and experience in requirements for the protection, conservation, restoration, and management of the wild life resources of the State as pertain to their respective departments. The State Game Warden and the State Fish Warden shall be active administrative officers of the game management and law enforcement department and the fish department respectively and shall devote their entire time to the service of the State in discharge of their official duties as provided by law and as prescribed by the Commission and neither shall hold any other public office.

#### **Highway Superintendent**

**Section 37.** That Section 24-33, Wyoming Statutes, 1957, as amended and re-enacted by Section 3, Chapter 116, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

The Commission shall appoint a State Highway Superintendent, with a salary to be fixed by the Commission, at not to exceed the sum of Sixteen Thousand Five Hundred Dollars (\$16,500.00) per annum, payable in equal monthly installments. He shall be experienced and skilled in highway and bridge construction and maintenance; shall be allowed his actual and necessary traveling and other expenses incurred in the discharge of his official duties, and shall give his entire time to the duties of his office. Before entering upon the duties of his office he shall take the constitutional oath of office and give bond to the State of Wyoming in such amount and with such surety as may be approved by the commission, conditioned upon the faithful discharge of his duties and his accounting for all property, material

and records in his control. Under the supervision of the commission he shall have complete charge of laying out and establishing highways upon which any portion of the state highway fund is to be expended, except on those highways constructed, improved or maintained in cooperation with the secretary of agriculture of the United States under Section 8 of the act of Congress or other federal act or acts specifically authorizing the use of federal funds to build roads within or partially within the national forests and with the approval of the commission shall purchase all materials, supplies and equipment, including road building machinery, materials, supplies and equipment, and shall employ such engineers, superintendents and employees with salaries to be approved by the commission, as may be necessary for the proper performance of the duties of the commission and the construction work undertaken by it.

#### **Insurance Commissioner**

**Section 38.** That Section 26-2, Wyoming Statutes, 1957, as amended and re-enacted by Section 37, Chapter 148, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

The Insurance Commissioner shall receive an annual salary of Nine Thousand Four Hundred Dollars (\$9,400.00), payable as other state officers are paid under the accounting laws of the State. Within fifteen (15) days from the time of notice of his appointment, the Insurance Commissioner shall take and subscribe the Constitutional Oath of Office and file the same in the office of the Secretary of State and shall also within the same period, give to the people of the State of Wyoming, a bond in the penal sum of Twenty-five Thousand Dollars (\$25,000.00) to be approved in the manner now provided by law for the approval of official bonds by state officers, conditioned for the faithful discharge of the duties of his office. Whenever a vacancy shall occur in said office of Commissioner by reason of death, removal, or otherwise, the Governor shall fill such vacancy by appointment by and with the advice and consent of the Senate if in session.

#### **Deputy Insurance Commissioner**

**Section 39.** That Section 26-3, Wyoming Statutes, 1957, as amended and re-enacted by Section 2, Chapter 108, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

The Insurance Commissioner may appoint a deputy with the approval of the governor to perform the duties of his office, such commissioner being responsible to the State for the acts of such deputy appertaining to his office, and may appoint such examiners, clerks, and other necessary assistants as the proper conduct of his office may require and may revoke such appointments at his pleasure. The deputy insurance commissioner and such examiners, clerks and assistants shall receive such salaries as shall be determined and fixed by the Wyoming Personnel Commission.

#### **Commissioner of Labor; Deputy**

**Section 40.** That Section 27-20, Wyoming Statutes, 1957, as amended and re-enacted by Section 11, Chapter 116, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

The salary of the Commissioner of Labor shall be Nine Thousand Six Hundred Dollars (\$9,600.00) per annum, such compensation to be audited and paid in the same manner as the salaries of the other State officers. The Commissioner shall appoint a deputy Commissioner of Labor whose salary shall be determined and fixed by the Wyoming Personnel Commission. The Deputy Commissioner shall work under the direction of the Commissioner of Labor and Statistics who shall be responsible for his official acts. His term of office shall extend during the pleasure of the Commissioner of Labor and Statistics or until his successor is appointed.

#### **Director, Employment Security Commission**

**Section 41.** That Sub-section B of Section 27-32, Wyoming Statutes, 1957, as amended and re-enacted by Section 40, Chapter 148, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

B. The Commission shall appoint, on a non-partisan merit basis and fix the compensation of a full-time salaried executive director; provided, that the salary of such executive director shall not exceed the sum of Nine Thousand Six Hundred Dollars (\$9,600.00) per annum, payable in equal monthly installments. Subject to the supervision and direction of the commission, the executive director shall administer the provisions of this Act. The executive director shall hold office for four (4) years from date of appointment, and shall be subject to removal, demotion, or decrease in salary by the commission in accordance with the general merit rules made under this law affecting all employees of the commission, for gross inefficiency, neglect of duty, malfeasance, misfeasance, or non-feasance in office. There shall be established under the commission and under the executive director two coordinate divisions: The Wyoming state employment service division referred to in Section 12 of this Act, and the unemployment compensation division, both of which shall be subject to the supervision, direction and control of the employment security commission of Wyoming. Each division shall be responsible for the discharge of its distinctive function.

#### **Director, Department of Public Health**

**Section 42.** That Sub-section (b) of Section 35-24, Wyoming Statutes, 1957, as amended and re-enacted by Section 42, Chapter 148, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

(b) The administrative and executive head of the division of administration shall be the state director, which office is hereby created, who shall be appointed by the director and shall have the following qualifications: He shall have a degree of doctor of medicine from a medical school approved by the council on medical education and hospitals of the American Medical Association, shall have had at least one year of graduate study in a recognized school of public health, and shall have had experience in administrative practice as a full time public health officer. Provided that if no such qualified person is available for appointment as director, the board in its discretion shall appoint, for a period of not over two (2) years, a doctor of medicine regularly licensed in Wyoming, who has had at

least five (5) years of active practice in that profession. The board shall fix the salary of the director, which salary shall not exceed the sum of Sixteen Thousand Five Hundred Dollars (\$16,500.00) per annum, and the director shall be allowed traveling and subsistence expenses actually and necessarily incurred in the performance of his official duties when absent from his place of residence at the rate applicable to other state employees as allowed by law. The director shall be custodian of all property and records of the board, shall devote his entire time to his official duties and shall not engage in the private practice of medicine or in any other occupation.

#### **State Chemist**

**Section 43.** That Section 35-230, Wyoming Statutes, 1957, as amended and re-enacted by Section 43, Chapter 148, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

The office of State Chemist heretofore created by the legislature is hereby transferred with all present and existing appropriations and all property under its control to the State Department of Agriculture of Wyoming, and shall hereafter be under the direction and supervision of said department. The State Chemist shall be appointed by the State Board of Agriculture and shall receive a salary of not more than Nine Thousand Four Hundred Dollars (\$9,400.00) per year for his services, to be paid by the State of Wyoming out of any money not otherwise appropriated, the same to be paid by the State Auditor in the manner provided for the payment of other accounts against the State, and he shall receive no other salary.

It shall be the duty of the State Chemist to make or cause to be made, analysis of such foods, drugs, drinks, gasoline, illuminating oils or other material relative to the enforcement of this Article, as shall be submitted to him or shall be deemed advisable for such analysis, and make a full and complete written report of the same, and when so requested, it shall be his duty to testify in court. He shall receive his necessary traveling expenses as paid to other state employees as allowed by law, to be paid by the State of Wyoming when employed in performing the duties of his office.

Any person, firm, corporation or association, with the exception of Cities, Counties and State regulatory agencies, who shall submit any article or commodity for analysis or examination shall remit such fee as may be established for the purpose of making this service available to the general public at a reasonable cost, but which fee shall be comparable to that charged for the same service by commercial laboratories operating with the State. Accounting shall be made of all fees so received by the State Chemist and shall be converted into a laboratory fund to be used by the Wyoming State Department of Agriculture towards carrying out the provisions of this Act.

#### **Assistant State Chemists**

**Section 44.** That Section 35-231, Wyoming Statutes 1957, as amended and re-enacted by Section 44, Chapter 148, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

The State Chemist by and with the approval of the State Board of Agriculture is hereby authorized to employ an assistant to the State Chemist and a second assistant to the State Chemist who shall receive salaries to be determined and fixed by the Wyoming Personnel Commission; the salaries to be paid by the State of Wyoming out of any moneys not otherwise appropriated, the same to be paid by the State Auditor in the manner provided for the payment of such accounts against the State. The assistant chemists shall keep their offices at the University of Wyoming and the Board of Trustees of said university shall furnish the necessary room for the carrying out of the provisions of this Article. The assistant chemists shall perform such duties as they may be required to perform by the State Chemist.

#### **Commissioner of Public Lands**

**Section 45.** That Section 36-32, Wyoming Statutes 1957, as amended and re-enacted by Section 13, Chapter 116, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

There shall be a Commissioner of Public Lands of Wyoming, who shall be appointed by the Governor, by and with the consent of the State Senate. The term of his office shall be for two (2) years and until his successor shall have been appointed and shall have qualified. He shall receive a salary of Nine Thousand Six Hundred Dollars (\$9,600.00) per annum, to be paid monthly by the State Treasurer on the warrant of the State Auditor.

#### **Deputy Commissioner of Public Lands**

**Section 46.** That Section 36-43, Wyoming Statutes 1957, as amended and re-enacted by Section 14, Chapter 116, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

The Commissioner of Public Lands may appoint a deputy to perform the duties of his office and to hold such appointment at the will of the Commissioner. The compensation of such deputy shall be the sum of Eight Thousand Four Hundred Dollars (\$8,400.00) per annum, payable monthly, upon vouchers submitted in proper form to the State Auditor, and in manner that other accounts against the state are paid, and shall receive no other compensation for any services rendered by him to the State.

#### **Board of Equalization—Public Service Commission**

**Section 47.** That Section 37-3, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 23, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

(a) There is hereby created and established a Commission which shall be known as the "Public Service Commission of Wyoming". The five (5) members of the State Board of Equalization shall ex-officio be the members of the Public Service Commission. Each member of said Commission shall receive an annual salary of Eight Thousand Five Hundred Dollars (\$8,500.00) to be paid in equal monthly installments in the same manner that other state salaries are paid.

(b) The chairman and deputy chairman of the State Board of Equalization shall be the chairman and deputy chairman of the Public Service Commission. The chairman shall receive an additional annual salary of Five Hundred Dollars (\$500.00) during his term or terms as chairman to be paid in equal monthly installments, in the same manner as other state salaries are paid.

(c) The chairman shall assign the duties of the Public Service Commission to two (2) of the four (4) remaining members of the Board and it shall be their primary function and responsibility to work with and assist the chairman in carrying out and enforcing the provisions of the public utilities law and motor transportation laws of Wyoming. In no event shall the chairman designate, appoint, and assign more than two (2) members of the same political affiliation including the chairman to carry out the duties and responsibilities of the Public Service Commission. Said body made up of the chairman and two (2) designated members shall comprise the Public Service Commission, for purposes of this Act. The chairman may at his discretion call for and request that all five (5) members of the Commission sit to evaluate, resolve, or rule on any specific problem then before the Public Service Commission.

(d) In no event shall any member other than the chairman or deputy chairman in chairman's absence be assigned to serve on both the Board and the Commission simultaneously except when the chairman calls for a full component of the Board or Commission.

#### **Secretary, Board of Equalization—Public Service Commission**

**Section 48.** That Section 39-23, Wyoming Statutes 1957, as amended and re-enacted by Section 49, Chapter 148, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

Said Board shall appoint a Secretary and may appoint such experts, assistants, clerks and stenographers, as may be necessary. The Secretary of the Board shall receive a salary of not more than Nine Thousand Six Hundred Dollars (\$9,600.00) per annum to be paid in equal monthly installments; he shall keep full and correct minutes of all testimony taken, hearings had and proceedings of said Board. Such Secretary shall also serve as Secretary of the Public Service Commission and shall receive no additional compensation for such duties.

#### **Director, Department of Public Welfare**

**Section 49.** That Section 42-30, Wyoming Statutes 1957, as amended and re-enacted by Section 50, Chapter 148, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

It shall be the duty of the state board to:

(a) Select a director for the state department of public welfare who shall be appointed wholly on the basis of his training, ability and experience in public welfare administration. Such director shall serve at the pleasure of the state board, and his salary shall be fixed by the state board, but shall not exceed the sum of Nine Thousand Six Hundred Dollars (\$9,600.00) per annum; and

(b) Adopt general policies to be administered by the state director as executive officer of the state department.

#### **Deputy Fire Marshal**

**Section 50.** That Section 3, Chapter 28, Session Laws of Wyoming, 1963, is amended and re-enacted to read as follows:

(a) The state fire commission shall hold regular meetings annually, and special meetings may be held as the commission by rule shall provide.

(b) At the first regular meeting and annually thereafter the commission from among its members shall elect a chairman, who shall hold office for a term of one year, so long as he is a member of the commission.

(c) The state fire commission shall establish the qualifications for the state fire marshal and chief deputy state fire marshal and provide tests to be given and requirements to be met by applicants for the positions.

(d) The state fire commission shall appoint a state fire marshal from among those applicants qualifying for a term of four years. In event of a vacancy for any reason, including removal with or without cause by the unanimous affirmative vote of all commission members, and the commission shall have this power, the commission shall appoint a successor for the remainder of such unexpired term.

(e) The state fire commission shall appoint a chief deputy state fire marshal, who shall have the same qualifications, and meet the same tests and requirements as those provided for the state fire marshal. The Wyoming Personnel Commission shall fix the annual salary of the chief deputy state fire marshal, payable in equal monthly installments.

(f) The state fire commission shall authorize the employment of such additional personnel as it deems advisable.

(g) The state fire commission, subject to the provisions of this Act and any other law applicable thereto, shall have general control and supervision of the department of fire prevention, the state fire marshal, the chief deputy state fire marshal and other personnel provided for in this Act.

#### **State Fire Marshal**

**Section 51.** That Section 4, Chapter 28, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

The state fire marshal shall be paid a salary of Seven Thousand Dollars (\$7,000.00) per annum, payable in equal monthly installments. He shall be allowed per diem and mileage and the same rate paid to other state employees incurred in the discharge of his official duties, and shall give his entire time to the duties of his office. Before entering upon the duties of his office he shall take the constitutional oath of office and give bond to the State of Wyoming, in such amount and with such surety as may be approved by the commission, conditioned upon the faithful discharge of his duties and his accounting for all property, material and records in his control.

**Limitation on Non-Statutory Salaries**

**Section 52.** No officer or employee of the State of Wyoming whose salary is not fixed by statute, shall either directly or indirectly receive from the State of Wyoming a salary or salaries the total of which exceeds ninety-five per cent (95%) of the lowest salary set by statute for the department, institution or other state office or agency in which such person is employed; nor shall any person be employed as an independent contractor or consultant or in any other capacity for the purpose of avoiding the effect of this section.

**Appropriation**

**Section 53.** There is hereby appropriated out of the funds in the State Treasury of the State of Wyoming, the sum of One Hundred Fifty-five Thousand Three Hundred Eight Dollars and Thirty-two Cents (\$155,308.32), or so much thereof as may be necessary to pay the salaries fixed by this Act, and such appropriation is in addition to any funds heretofore appropriated for such purposes for the biennium ending June 30, 1965, and is in addition to any funds appropriated for such purposes for the ensuing biennium ending June 30, 1967.

**Section 54.** This Act shall take effect and be in force on and after July 1, 1965, except for the salaries of the State Examiner provided in Section 11 of this Act and of the Commissioner of Public Lands provided in Section 45 of this Act which shall take effect and be in force on and after March 1, 1965.

Approved March 1, 1965

**CHAPTER 116**

Original House Bill No. 425

**GENERAL APPROPRIATION**

AN ACT appropriating money for the biennium ending June 30, 1967, for salaries and expenses of the various officers, commissions, boards, councils and departments of the state government; for the support, maintenance and improvement of state institutions; for the construction of state buildings; and other capital investments; for other funds hereinafter specified; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Appropriation**

**Section 1.** There is hereby appropriated for the two years ending June 30, 1967, the following sums of money, or so much thereof as may be necessary, for the payment of salaries and expenses of the executive and judicial departments of the state, the salaries and expenses of all state officers, commissions, boards, councils and departments, for the support and maintenance of the educational, charitable and penal institutions of the state and for such other items as hereinafter specified.



**Section 2. Governor:**

Contingent, One Hundred Forty-one Thousand Nine Hundred Seventy Dollars (\$141,970).

Contingent, Advisory and Investigating Committees, Fifty-five Thousand Dollars (\$55,000).

Contingent, Governor's Special, One Hundred Thousand Dollars (\$100,000).

**Section 3. Secretary of State:**

Contingent, One Hundred Forty-two Thousand Two Hundred Eight Dollars (\$142,208).

**Section 4. Attorney General:**

Contingent, One Hundred Ninety Thousand Dollars (\$190,000).

**Section 5. Board of Charities and Reform:**

Contingent, One Hundred Twenty-four Thousand Two Hundred Forty-eight Dollars (\$124,248).

**Section 6. Wyoming Personnel Commission:**

Contingent, Sixty-five Thousand Sixty-two Dollars (\$65,062).

**Section 7. State Examiner:**

Contingent, Three Hundred Thirteen Thousand Eight Hundred Seventy-four Dollars (\$313,874).

**Section 8. Capitol Building Commission:**

Contingent, Four Hundred Seventy-one Thousand Seven Hundred Dollars (\$471,700).

Capital outlay, Thirty Thousand Dollars (\$30,000).

**Section 9. Governor's Residence:**

Contingent, Thirty Thousand Two Hundred Eighty Dollars (\$30,280).

**Section 10. Inter-Governmental Cooperation Commission:**

Contingent, Seven Thousand Dollars (\$7,000).

**Section 11. State Auditor:**

Contingent, One Hundred Twenty-seven Thousand Two Hundred Twenty Dollars (\$127,220).

**Section 12. State Treasurer:**

Contingent, One Hundred Thirty-three Thousand Three Hundred Seventy Dollars (\$133,370).

**Section 13. Assistant Budget Officer:**

Contingent, Forty-three Thousand Six Hundred Sixty-five Dollars (\$43,665).

**Section 14. State Board of Equalization & Public Service Commission:**

Contingent, Four Hundred Twelve Thousand Three Hundred Two Dollars (\$412,302).

Contingent, Department of Revenue, Four Hundred Sixteen Thousand One Hundred Twenty-one Dollars (\$416,121).

**Section 15. Centralized Accounting System:**

Contingent, Two Hundred Thirty-four Thousand Three Hundred Eighty-five Dollars (\$234,385).

**Section 16. Commissioner of Public Lands, Land Office:**

Contingent, Three Hundred Ninety-two Thousand One Hundred Dollars (\$392,100).

**Section 17. Board of State Supplies:**

Contingent, Fifty-three Thousand One Hundred Twenty-one Dollars (\$53,121).

Contingent, Revolving Fund, Five Thousand Dollars (\$5,000).

Contingent, Insurance and Bond Premiums, One Hundred Ten Thousand Dollars (\$110,000).

Contingent, Collision and Upset Fund, One Thousand Six Hundred Dollars (\$1,600).

**Section 18. Wyoming Liquor Commission:**

Contingent, Three Hundred Sixty-nine Thousand Five Hundred Forty-five Dollars (\$369,545).

**Section 19. Department of Education:**

Contingent, Superintendent of Public Instruction, Five Hundred Thousand Dollars (\$500,000).

Contingent, School District Reorganization Planning, Sixty Thousand Dollars (\$60,000).

Contingent, Education of Handicapped Children, Thirty-nine Thousand Ninety-five Dollars (\$39,095).

Contingent, Library Services for the Blind, Six Thousand Four Hundred Fifty-six Dollars (\$6,456).

Contingent, Future Farmers of America, Four Thousand Forty-five Dollars (\$4,045).

Contingent, Future Homemakers of America, One Thousand Eight Hundred Dollars (\$1,800).

Contingent, Vocational Education, Fifty Thousand Dollars (\$50,000).

Contingent, Vocational Rehabilitation, One Hundred Fifty Thousand Dollars (\$150,000).

Contingent, Deaf and Blind Special Education, Four Hundred Thirty-five Thousand Dollars (\$435,000).

**Section 20. University of Wyoming:**

Contingent, Resident Instruction, Six Million Nine Hundred Twenty-nine Thousand Eight Hundred Fifty-six Dollars (\$6,929,856).

Contingent, Organized Research, One Million Seven Hundred Fifty-two Thousand Six Dollars (\$1,752,006).

Contingent, Educational Services, Five Hundred Forty-five Thousand Five Hundred Eighty-five Dollars (\$545,585).

Contingent, Library, Five Hundred Fourteen Thousand Seven Hundred Six Dollars (\$514,706).

Contingent, Maintenance, Operation and Repair of Plant, Two Million Two Hundred Sixty Thousand One Hundred Fifty-four Dollars (\$2,260,154).

Contingent, General Administration and General Expense, Two Million One Hundred Eighty-two Thousand Five Hundred Seventy-seven Dollars (\$2,182,577).

Contingent, Agricultural Extension, One Million Six Thousand Four Hundred Seventeen Dollars (\$1,006,417).

Contingent, Retirement, One Million Three Thousand Six Hundred Ninety-nine Dollars (\$1,003,699).

Contingent, Scholarships, Eighty Thousand Dollars (\$80,000).

Contingent, Student Loans, Twenty-five Thousand Dollars (\$25,000).

**Section 21. Western Interstate Commission for Higher Education:**

Contingent, Two Hundred Twenty-three Thousand Four Hundred Dollars (\$223,400).

**Section 22. Wyoming State Training School:**

Contingent, Two Million Eight Hundred Seventeen Thousand Five Hundred Eighty-seven Dollars (\$2,817,587).

Capital Outlay, One Hundred Seventy-five Thousand Dollars (\$175,000).

**Section 23. Archives and Historical Department:**

Contingent, Three Hundred Forty-three Thousand Nine Hundred Eighty-three Dollars (\$343,983).

**Section 24. Wyoming State Library:**

Contingent, One Hundred Five Thousand Three Hundred Eighty-three Dollars (\$105,383).

**Section 25. State Department of Public Health:**

Contingent, Administration and Central Services, Two Hundred Ninety-one Thousand Seven Hundred Forty-four Dollars (\$291,744).

Contingent, Medical Services, Four Hundred Twenty-seven Thousand Three Hundred Forty-nine Dollars (\$427,349).

Contingent, Environmental Sanitation, One Hundred Forty-seven Thousand Six Hundred Dollars (\$147,600).

Contingent, County Public Health Nursing Services, One Hundred Fifty-two Thousand Seven Hundred Twenty-five Dollars (\$152,725).

Contingent, Community Mental Health Centers, One Hundred Twenty-three Thousand Dollars (\$123,000).

Contingent, Mental Health and Mental Retardation Planning, Thirty-six Thousand Seven Hundred Ninety-five Dollars (\$36,795).

**Section 26. Wyoming State Hospital:**

Contingent, Three Million Three Hundred Eleven Thousand Fifty Dollars (\$3,311,050).

Capital Outlay, Two Hundred Eighty-one Thousand One Hundred Fifty three Dollars (\$281,153).

**Section 27. Wyoming Tuberculosis Sanatorium:**

Contingent, Three Hundred Ninety-four Thousand Seven Hundred Ninety-four Dollars (\$394,794).

Capital Outlay, Three Thousand Three Hundred Twenty-four Dollars (\$3,324).

**Section 28. State Department of Public Welfare:**

Contingent, General Administration, Two Hundred Seventy-five Thousand Two Hundred Dollars (\$275,200).

Contingent, Medical Assistance for the Aged, Five Hundred Seventy Thousand Dollars (\$570,000).

Contingent, Welfare and County Administration, Two Million One Hundred Seventy-two Thousand Dollars (\$2,172,000). There is hereby re-appropriated the unexpended balance in the working fund of the Welfare and County Administration fund in the amount of Five Hundred Ten Thousand Dollars (\$510,000).

**Section 29. Wyoming Children's Home:**

Contingent, Three Hundred Ninety-five Thousand Five Hundred Fourteen Dollars (\$395,514).

Capital Outlay, One Hundred Seventy Thousand Dollars (\$170,000).

**Section 30. Wyoming Pioneer Home:**

Contingent, Three Hundred Five Thousand Three Hundred Ninety Dollars (\$305,390).

**Section 31. Wyoming Soldiers' and Sailors' Home:**

Contingent, Ninety-one Thousand Three Dollars (\$91,003).

Capital Outlay, Thirteen Thousand Four Hundred Twenty-eight Dollars (\$13,428).

**Section 32. Wyoming Youth Council:**

Contingent, Fourteen Thousand Two Hundred Forty-two Dollars (\$14,242).

**Section 33. Wyoming Retirement System:**

Contingent, Social Security Division, Twenty-five Thousand Five Hundred Dollars (\$25,500).

Contingent, Savings Bonds: One Thousand Nine Hundred Fifty Dollars (\$1,950).

Contingent, Special Retirement Allowance Increases, Eighty-seven Thousand Dollars (\$87,000).

**Section 34. Labor and Statistics:**

Contingent, One Hundred Eleven Thousand Three Hundred Forty-six Dollars (\$111,346).

**Section 35. Wyoming State Penitentiary:**

Contingent, Seven Hundred Twenty-four Thousand One Hundred Eighty-one Dollars (\$724,181).

Capital Outlay, Two Hundred Seventy Thousand Eight Hundred Dollars (\$270,800).

**Section 36. Wyoming State Penitentiary Farm:**

Contingent, Ninety-four Thousand Six Hundred Seventy-seven Dollars (\$94,677).

Capital Outlay, Eleven Thousand Five Hundred Dollars (\$11,500).

**Section 37. Care of Women Prisoners:**

Contingent, Forty-four Thousand Five Hundred Dollars (\$44,500).

**Section 38. Wyoming Industrial Institute:**

Contingent, Six Hundred Forty-three Thousand Two Hundred Eighty-five Dollars (\$643,285).

Capital Outlay, One Hundred Eighty-five Thousand Dollars (\$185,000).

**Section 39. Wyoming Girls' School:**

Contingent, Four Hundred Thousand Four Hundred Two Dollars (\$400,402).

Capital Outlay, Two Hundred Forty-six Thousand Five Dollars (\$246,005).

**Section 40. Probation and Parole:**

Contingent, One Hundred Fifty-six Thousand Two Hundred Twenty Dollars (\$156,220).

**Section 41. Adjutant General:**

Contingent, Four Hundred Eighty-six Thousand One Hundred Twenty Dollars (\$486,120).

Capital Outlay, One Hundred Ninety-four Thousand Dollars (\$194,000).

**Section 42. Aeronautics Commission:**

Contingent, One Hundred Two Thousand Two Hundred Fifty-four Dollars (\$102,254).

Contingent, Aircraft Leasing Revolving Fund, Fifty Thousand Dollars (\$50,000), or so much thereof as may be necessary, to be used during the biennium for leasing or lease-purchase of a twin engine aircraft and for no other purpose; provided, that the Aeronautics Commission shall keep a log showing the period of time, type of use, income derived, and expenses incurred in leasing the aircraft, to determine the feasibility of continued use, and this information shall be included in a detailed report to the Ways and Means Committee of the Thirty-ninth Session of the Wyoming State Legislature.

Capital Outlay, Airport Improvement, One Hundred Thousand Dollars (\$100,000).

**Section 43. Wyoming Civil Defense Agency:**

Contingent, Seventy-six Thousand Five Hundred Twenty Dollars (\$76,520).

**Section 44. Fire Prevention:**

Contingent, Sixty Thousand Dollars (\$60,000).

**Section 45. Insurance Department:**

Contingent, One Hundred Twenty-five Thousand Dollars (\$125,000).

**Section 46. Board of Identification:**

Contingent, Fifty-three Thousand Three Hundred Eighty Dollars (\$53,380).

**Section 47. State Mine Inspector:**

Contingent, Ninety-six Thousand Eight Hundred Twenty-five Dollars (\$96,825).

**Section 48. State Coal Mine Examining Board:**

Contingent, Two Thousand Dollars (\$2,000).

**Section 49. Hot Springs State Park:**

Contingent, One Hundred Twenty Thousand Seven Hundred Sixty-seven Dollars (\$120,767).

Capital Outlay, One Hundred Forty-four Thousand Dollars (\$144,000).

**Section 50. Wyoming State Parks Commission:**

Contingent, Ninety-five Thousand Five Hundred Seventy-three Dollars (\$95,573).

Capital Outlay, Ninety-three Thousand Seven Hundred Dollars (\$93,700).

**Section 51. Wyoming Travel Commission:**

Contingent, Four Hundred Fifty Thousand Dollars (\$450,000).

**Section 52. Department of Agriculture:**

Contingent, One Million Ninety-seven Thousand Six Hundred Sixty-two Dollars (\$1,097,662).

Contingent, State Fair, Two Hundred Thirty-five Thousand Two Hundred Dollars (\$235,200).

Capital Outlay, State Fair, Forty Thousand Dollars (\$40,000).

**Section 53. Livestock and Sanitary Board:**

Contingent, One Hundred Thirteen Thousand Five Hundred Eleven Dollars (\$113,511).

Contingent, Disease Control, One Hundred Three Thousand Three Hundred Five Dollars (\$103,305).

Contingent, Wyoming State Veterinary Laboratory, Eighty Thousand Six Hundred Ninety-nine Dollars (\$80,699).

**Section 54. State Engineer:**

Contingent, Two Hundred Fifty Thousand Dollars (\$250,000).

Contingent, Hydrographer-Commissioner, One Hundred Forty-eight Thousand Three Hundred Eighty-five Dollars (\$148,385).

Contingent, U.S. Geological Survey Data Cooperation, One Hundred Eighty-five Thousand Dollars (\$185,000).

Contingent, State Engineer Flood Control Fund, Six Thousand Eighty-four Dollars (\$6,084).

Contingent, Interstate Stream Commissions, Ninety-seven Thousand Five Hundred Twenty-five Dollars (\$97,525).

**Section 55. State Board of Control:**

Contingent, One Hundred Fifty-three Thousand Nine Hundred Sixty Dollars (\$153,960).

**Section 56. Natural Resources Board:**

Contingent, One Hundred Ninety-three Thousand Six Hundred Fifty Dollars (\$193,650).

Special Contingent, Industrial Research and Investigations, Two Hundred Seven Thousand Five Hundred Dollars (\$207,500).

**Section 57. Geological Survey:**

Contingent, Ninety-nine Thousand Eight Hundred Sixty Dollars (\$99,860).

**Section 58. Conference of Commissioners on Uniform State Laws:**

Contingent, Four Thousand Dollars (\$4,000).

**Section 59. Wyoming Supreme Court:**

Contingent, Two Hundred Fifty-eight Thousand Six Hundred Fifty Dollars (\$258,650).

**Section 60. State Library—Law Division:**

Contingent, Nineteen Thousand One Hundred Ninety-five Dollars (\$19,195).

**Section 61. Judicial Districts:**

Contingent, First Judicial District A, Fifty-seven Thousand Eight Hundred Forty-six Dollars (\$57,846).

Contingent, First Judicial District B, Forty-six Thousand Five Hundred Seventy-one Dollars (\$46,571).

Contingent, Second Judicial District A, Forty-eight Thousand Five Hundred Seventy-six Dollars (\$48,576).

Contingent, Second Judicial District B, Fifty Thousand Seven Hundred Twenty-one Dollars (\$50,721).

Contingent, Third Judicial District, Fifty-six Thousand Nine Hundred Seventy-six Dollars (\$56,976).

Contingent, Fourth Judicial District, Fifty-seven Thousand One Hundred Sixteen Dollars (\$57,116).

Contingent, Fifth Judicial District A, Forty-seven Thousand Eight Hundred One Dollars (\$47,801).

Contingent, Fifth Judicial District B, Fifty-one Thousand One Hundred One Dollars (\$51,101).

Contingent, Sixth Judicial District, Forty-nine Thousand Seven Hundred Eighty-eight Dollars (\$49,788).

Contingent, Seventh Judicial District A, Forty-nine Thousand Six Hundred Forty-three Dollars (\$49,643).

Contingent, Seventh Judicial District B, Forty-seven Thousand Seven Hundred Fifty-one Dollars (\$47,751).

**Section 62.** On or before the 15th day of May, 1965, the officer, department, board or state institution, including the University of Wyoming, shall submit to the Governor of Wyoming, and the Assistant Budget Officer, a statement of distribution of such appropriation in accordance with the budget classifications. The Governor is hereby authorized to approve or disapprove such distribution but in no manner to increase the total amount of the appropriation.

**Section 63.** Every state officer, department, board or institution, including the University of Wyoming, shall, on or before the 15th day of each month during the biennium prepare and transmit to the Assistant Budget Officer, upon a form to be supplied by such officer and in accordance with such regulations as he may prescribe, a detailed statement of all income and revenues received during the preceding calendar month and a detailed statement of expenditures, according to budget classifications made during the same period, and show the unexpended balance.

**Section 64.** This Act shall take effect and be in force on and after July 1, 1965.

Approved March 1, 1965



**CHAPTER 117**

Original Senate File No. 18

**STATE BANKS—REAL ESTATE LOANS**

AN ACT to amend and re-enact sub-section (a) of Section 13-21, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 89, Session Laws of Wyoming 1963, relating to real estate loans which state banks are authorized to make, providing for limitations, restrictions and exceptions thereto, and authorizing real estate loans in an amount not to exceed seventy per centum of time and savings deposits of state banks.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Limitations**

**Section 1.** Sub-section (a) of Section 13-21, Wyoming Statutes 1957 as amended and re-enacted by Section 1, Chapter 89, Session Laws of Wyoming 1963 is amended and re-enacted to read as follows:

(a) Any state bank may make real estate loans secured by first liens upon improved real estate, including improved farm land and improved business and residential properties. A loan secured by real estate within the meaning of this Section shall be in the form of an obligation or obligations secured by mortgage, trust deed, or other such instrument upon real estate and any state bank may purchase any obligation so secured when the entire amount of such obligation is sold to such bank. The amount of any such loan hereafter made shall not exceed 50 per centum of the appraised value of the real estate offered as security and no such loan shall be made for a longer term than five years; except that (1) any such loan may be made in an amount not to exceed 75 per centum of the appraised value of the real estate offered as security and for a term not longer than ten years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize 40 per centum or more of the principal of the loan within a period of not more than ten years, and (2) any such loan may be made in an amount not to exceed seventy-five (75%) per centum of the appraised value of the real estate offered as security and for a term not longer than twenty (20) years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize the entire principal of the loan within the period ending on the date of its maturity, and (3) the foregoing limitations and restrictions shall not prevent the renewal or extension of loans heretofore made or apply to mortgages or other liens on real estate taken to secure a debt previously contracted in good faith, and shall not apply to real estate loans to the extent that such loans are insured or guaranteed under the provisions of Title II of the National Housing Act or by the administrator of veterans affairs under Title III of the Servicemen's Readjustment Act of 1944 or amendments thereto, or by any other duly authorized authority of the United States of America and any loans so insured or guaranteed, in whole or in part may be made for the same period of time for which such guarantee may be made. No such state bank shall make such loans in an aggregate sum in excess of the amount of the capital stock of such state bank

paid in and unimpaired plus the amount of its unimpaired surplus fund, or in excess of 60 per centum of the amount of its deposits, whichever is the greater; provided, further, that all of such real estate loans, to the extent they are not insured under or guaranteed by federal authority as provided by (3) above, shall not exceed in the aggregate 20 per centum of the paid in capital, surplus and deposits, or seventy per centum (70%) of the time and savings deposits, whichever is greater.

Approved March 1, 1965

## CHAPTER 118

Original House Bill No. 407

### SALES TAX

AN ACT to amend and re-enact Section 39-290, Wyoming Statutes 1957, as amended and re-enacted in part by Section 1, Chapter 170, Session Laws of Wyoming 1961, relating to license to engage in business, to amend and re-enact Section 39-291, Wyoming Statutes 1957, as amended and re-enacted in part by Sections 1 and 2, Chapter 84, Session Laws of Wyoming 1961, and Section 2, Chapter 146, Session Laws of Wyoming 1963, relating to the levy of an excise tax on specified sales; to amend and re-enact Section 39-294, Wyoming Statutes 1957, relating to the accounting for, and liability for payment of, such excise taxes; to increase the amount of said sales tax from 2% to 2½%; to extend such tax to include the amount paid for living quarters, preparation of food and other lodging services in hotels, motels, tourist courts and similar establishments; and to amend and re-enact Section 39-288, Wyoming Statutes 1957, relating to the state's preemption of the sales tax; authorizing a county local option sales tax of one-half of one per cent (½ of 1%); authorizing incorporated cities and towns to impose a sales tax under certain conditions, providing for its implementation and administration; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **License Required to Sell Personalty, Amusements, Entertainment or Lodging**

**Section 1.** Section 39-290, Wyoming Statutes 1957, as amended and re-enacted in part by Section 1, Chapter 170, Session Laws of Wyoming 1961, is hereby amended and re-enacted to read as follows:

(a) It shall be unlawful for any wholesaler or retailer or proprietor of any place of amusement or entertainment to engage in the business of selling tangible personal property or in the business of furnishing amusement or entertainment within the state without first having obtained a license therefore, which license shall be granted and issued by the state board of equalization and shall be in force and effect until revoked. It shall be unlawful for any person to engage in the business of providing living quarters, whether for sleeping, preparation of food or both, in hotels, rooming houses, tourist or trailer camps or other lodging service provided primarily for transient guests within the state after the first day of July 1965 without first having obtained a sales tax license therefor as here in above set forth. Such licenses shall be granted only upon application stating the name, address of person applying therefor, the character of the busi-

ness in which the applicant proposes to engage, the place at which such business will be transacted and such other information as the state board of equalization may require. In the case business is transacted at two or more separate places by one person, a separate license for each place of business shall be required. Each license shall be numbered and shall show the name, residence and place and character of business of the licensee, and shall be posted in a conspicuous place at the place of business for which it is issued. No license shall be transferrable. The state board of equalization shall, on a reasonable notice and after a hearing, revoke the license of any person violating any provisions of this Act, and no license shall thereafter be issued to such person unless (1) an application therefor has been filed with the said board and a hearing held thereon, and (2) the applicant has filed with the said board all past due returns required by Section 39-294, Wyoming Statutes, 1957 and has remitted in full to such board all taxes, penalty and interest which are due and payable under the provisions of Sections 39-286 and 39-308, inclusive, of the Wyoming Statutes, 1957, as amended, and (3) there has been filed with and approved by the board such security as it may require under the provisions of Section 39-298, Wyoming Statutes, 1957. Any wholesaler or retailer or proprietor engaging in the business of selling tangible personal property, providing lodging services, or in the business of furnishing amusement or entertainment within this state without having secured a license therefor, shall be guilty of a misdemeanor. No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under this Act.

(b) No license shall be issued until the applicant shall have paid to the state board of equalization a license fee of two dollars (\$2.00). Licenses issued under the provisions of this section shall be valid and effective without further payment of fees until revoked by the board. Any person discontinuing business shall notify the board to that effect, return his license for cancellation and preserve all business records within this state until the board issues its receipt showing all taxes have been paid.

#### **Tax Levy**

**Section 2.** Section 39-291, Wyoming Statutes 1957, as amended and re-enacted in part by Sections 1 and 2 Chapter 84, Session Laws of Wyoming 1961, and Section 2, Chapter 146, Session Laws of Wyoming 1963, is hereby amended and re-enacted to read as follows:

Within the limitation herein set out, there is hereby levied and there shall be collected and paid:

(a) An excise tax upon every retail sale of tangible personal property made within the State of Wyoming equivalent to two and one-half percent ( $2\frac{1}{2}\%$ ), except as provided in subsection (e) of this section, of the purchase price paid or charged, or in the case of retail sales involving the exchange of property, equivalent to two and one-half percent ( $2\frac{1}{2}\%$ ) of the consideration paid or charge, including the fair market value of the property exchanged at the time and place of the exchange, except that, those commodities now bearing a state excise tax in excess of five percent (5%) shall not be taxable under the provisions of this Act.

(b) An excise tax equivalent to two and one-half per cent ( $2\frac{1}{2}\%$ ) except as provided in subsection (e) of this section, of the amount paid: (1) to carriers or telephone or telegraph corporations defined by the constitution of the State of Wyoming and also as defined by law, whether such corporations are municipally owned or privately owned, for all intrastate transportation of persons, telephone service, or telegraph service, including the rental or leasing of all equipment or service pertaining or incidental thereto; provided, that said tax shall not apply to interstate movements of freight, passengers and express, or intrastate or interstate movements of raw farm products to processing or manufacturing plants, or movements of sick, injured, or deceased persons by ambulance or hearse. (2) to public utilities as defined by Sections 37-1 through 37-64 and Sections 37-260 through 37-272, Wyoming Statutes 1957, as amended, and to persons or corporations engaged in the business of furnishing or supplying gas, electricity or heat, whether such corporations are municipally or privately owned, for gas, electricity, or heat, furnished for domestic, industrial or commercial consumption.

(c) (i) An excise tax equivalent to two and one-half ( $2\frac{1}{2}\%$ ) except as provided in subsection (e) of this section, of the amount paid or charged for all meals and cover charges, if any, furnished at any restaurant, eating house, hotel, drug store, club, dude ranch, resort, tavern, inn, dining car, tourist camp, tourist cabin, or any other place at which meals are regularly served to the public.

(ii) An excise tax equivalent to two and one-half per cent ( $2\frac{1}{2}\%$ ), except as provided in subsection (e) of this section, of the amount paid or charged for living quarters, whether for sleeping, preparation of food or both, in hotels, motels, tourist courts and similar establishments or other lodging service provided primarily for transient guests, measured by the sale price of such rental fee.

(d) An excise tax equivalent to two and one-half ( $2\frac{1}{2}\%$ ), except as provided in subsection (e) of this section, of the amount paid or charged for each admission to any place of amusement, entertainment or recreation, games and athletic events; provided, that in the case of persons (except bona fide employees, officers of the law on official business, and children under 12 years of age) admitted free or at reduced rates to any place at a time when and under circumstances under which an admission charge is made to other persons, an equivalent tax shall be collected based on the price so charged to such other person for the same or similar accommodations, to be paid by the person so admitted.

(e) The State Board of Equalization shall provide uniform methods and schedules for adding the tax or the average equivalent thereof to the selling price, and when added such tax shall constitute a part of such price or charge, shall be a debt from consumer or user to retailer until paid and shall be recoverable at law in the same manner as other debts, and it shall be the duty of said board to formulate and promulgate appropriate rules and regulations to effectuate the purpose of this Act, provided, that the tax on all sales of twenty-four cents (24¢) or less shall be one per cent (1%), and provided further, that the purchaser, consumer and user of any single unit purchase of twenty-four cents (24¢) or less, shall not be required to pay

the tax provided herein and provided further that the tax on one per cent (1%) herein imposed on all purchases of twenty-four cents (24¢) or less shall be assumed and paid for by the vendor who shall keep a detailed segregated record of all such sales. Any vendor who shall so elect may, in lieu of keeping such detailed segregated record, pay a tax of two and one-half per cent (2½%) on his total sales upon which the tax provided herein is imposed.

(f) (i) The sales tax of two and one-half per cent (2½%) as provided in Sections 39-286 to 39-308 inclusive, as applied to sales of motor vehicles, house trailers, trailer coaches, trailers or semi-trailers, shall be collected by the county treasurers of the county in which applicant applies for registration. The tax shall be collected at the time of the first registration of such vehicle, house trailer, trailer coach, trailer or semi-trailer by the applicant if registered for the first time in the State of Wyoming and not upon any subsequent registration thereof by the applicant, provided that motor vehicle dealers and dealers of house trailers, trailer coaches, trailers or semi-trailers shall not be required to pay sales tax on motor vehicles or house trailers, trailer coaches, trailers or semi-trailers registered in the name of the business.

(ii) No vendor shall collect taxes imposed by this Act on the sale of motor vehicles, house trailers, trailer coaches, trailers or semi-trailers.

(g) The sales price of the vehicles, house trailers, trailer coaches, trailer or semi-trailer shall be declared by the applicant for registration under oath upon a form of affidavit furnished by the State Board of Equalization or upon an invoice from the vendor and the tax collected shall be upon such declared sales price. In the case of motor vehicles, house trailers, trailer coaches, trailers or semi-trailers, purchased for the purpose of becoming the subject of a gift, the sales tax shall be collected from the donee at the time of first registration based upon the fair market value of the property at the time of the gift. Taxes required to be collected under this section shall be remitted in full by the County Treasurer to the State Board of Equalization on the first (1st) and fifteenth (15th) days of each month and with such reports as said Board may require.

#### **Liability of Vendor; Returns and Remittances**

**Section 4.** Section 39-294, Wyoming Statutes 1957, is hereby amended and re-enacted to read as follows:

(a) (i) Every person receiving any payment or consideration upon a sale of property or service subject to the tax imposed under the provisions of this Act, or to whom such payment or consideration is payable, (hereinafter called the vendor) shall be liable and responsible for the payment of the entire amount of the taxes imposed and payable under this Act, and shall on or before the 15th day of each month, make a true return of the preceding month's gross sales to the State Board of Equalization and shall remit all taxes due to the State from him to the State Board of Equalization. The vendor shall collect the tax from the vendee on all sales of twenty-five cents (25¢) or more, but in no case shall he collect as tax an amount (without regard to fractional parts of one cent (1¢)) in excess of the tax computed

at the rates prescribed by this Act. Such returns shall contain such information and be made in such manner as the State Board of Equalization may by regulation prescribe. The State Board of Equalization may extend the time for making returns and paying taxes collected under such rules and regulations as it may prescribe, but no such extension shall be for more than ninety (90) days.

(ii) Provided, that if the total tax to be remitted by any vendor during any month shall not exceed the sum of Ten Dollars (\$10), a quarterly return and remittance in lieu of the monthly return, may be made on or before the fifteenth (15th) day of the month next succeeding the end of the quarter for which the tax is collected.

(b) If the accounting methods regularly employed by the vendor in the transaction of his business are such that reports of sales made during a calendar month will impose unnecessary hardships, the State Board of Equalization may accept report at such intervals as will in its opinion better suit the convenience of the taxpayer and will not jeopardize the collection of the tax; but in all such cases, vendor must file formal request for permission to report on this basis, and the granting of said permission rests wholly with the State Board of Equalization.

(c) For the purpose of more efficiently securing the payment, collection and accounting for the taxes provided for under this act, the State Board of Equalization in its discretion, by proper rules and regulations may provide for the issuance affixing and payment of revenue stamps or the issuance of tokens or other appropriate devices to facilitate collections. In such case, the provisions of Chapter 2 and Chapter 3 of Title 6, Wyoming Statutes 1957, relating to counterfeiting, insofar as the same may be applicable, are hereby extended to and made a part of this Act.

(d) In the case of a sale upon credit, or a contract for sale wherein it is provided that the price shall be paid in installments and title does not pass until a future date, or a conditional sale, there shall be paid upon each payment upon the purchase price, that portion of the total tax which the amount paid bears to the total purchase price; provided, however, if any retailer or wholesaler shall sell out or quit his business, the tax shall be computed and paid, in the manner provided for by Section 39-300, Wyoming Statutes 1957, on the outstanding amount of all such credit, installment and conditional sales upon which the tax has not been paid. If any vendor shall, during any reporting period, collect as a tax an amount in excess of two and one-half per cent ( $2\frac{1}{2}\%$ ) of his total taxable sales, he shall remit to the Board the full amount of the tax herein imposed, and also such excess; and if any vendor under the pretense or representation of collecting the tax imposed by this Act shall collect during any reporting period, an amount in excess of two and one-half per cent ( $2\frac{1}{2}\%$ ) of his total taxable sales, the retention of such excess or any part thereof or the intentional failure to remit punctually to the State Board of Equalization the full amount required to be remitted by the provisions of this Act, is declared to be unlawful and shall be punishable by a fine of not exceeding one thousand dollars (\$1,000) or by imprisonment for not to exceed six months, or by both such fine and imprisonment.

**Counties; Cities and Towns Imposition of Tax; Election; Ordinance**

**Section 3.** Section 39-288, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

The state does hereby preempt the field of imposing tax upon retail sales of tangible personal property, admissions and services as included under the provisions of this Act, and no county, city, town or other political subdivision shall have the right to impose, levy or collect taxes upon such sales as herein defined, except as hereinafter provided in this section.

(a) Any county of the State is hereby authorized to impose an excise tax of one-half of one per cent ( $\frac{1}{2}$  of 1%) upon retail sales of tangible personal property and the other transactions set forth in Section 39-291, Wyoming Statutes 1957, as amended, made within such county. The purpose of such tax is for general revenue.

(b) No such tax shall be imposed until the proposition to impose the tax shall be submitted to the vote of the qualified electors of such county and a majority of those casting their ballots shall have voted in favor of imposing the tax.

(c) Any such excise tax imposed under the provisions of this Section shall commence within forty-five (45) days following the election approving the imposition of the tax.

(d) The proposition to impose an excise tax as authorized in this Section shall at the expense of the county be submitted to the electors of the county at the direction and under the supervision of the Board of County Commissioners:

(i) Upon the motion of the Board of County Commissioners; or

(ii) Upon the receipt by the Board of County Commissioners of a petition requesting such an election signed by at least ten per cent (10%) of the electors of the county, the said percentage to be determined by the number of votes cast at the last general election; or

(iii) Upon the receipt by the Board of County Commissioners of a resolution, passed by the governing body of any incorporated city or town within the county, requesting such an election.

(e) Such proposition may be submitted at any general or primary election or at a special election called for the specific purpose; a notice of such election shall be given in at least one (1) newspaper of general circulation published in the county wherein such election is to be held; the notice shall specify the object of the election and shall be published at least once weekly for a 30-day period prior to the election. At such election the ballots shall contain the words "FOR THE COUNTY SALES TAX" and "AGAINST THE COUNTY SALES TAX".

(f) If the proposition to impose the tax is defeated, the same shall not again be submitted to the electors of the county until a period of at least one year has expired.

(g) Upon approval of the tax by a majority of the qualified electors casting their ballots, the Board of County Commissioners shall then, by ordinance duly passed, impose an excise tax upon retail sales of tangible personal property and the other transactions set forth in Section 39-291, Wyoming Statutes 1957, as amended.

(h) The Sales Tax Ordinance adopted pursuant to this Section shall include provisions in substance as follows:

(i) A provision imposing an excise tax upon every retail sale of tangible personal property and the other transactions set forth in Section 39-291, Wyoming Statutes 1957, as amended, made within the county at the rate of one-half of one per cent ( $\frac{1}{2}$  of 1%) of the consideration paid or charged:

(ii) Provisions identical to those contained in Sections 39-287, 39-290 through 39-304, 39-307 and 39-308, Wyoming Statutes 1957, as amended, insofar as they relate to sales taxes, except that the name of the county as the taxing agency shall be substituted for that of the State and that an additional license to engage in business shall not be required if one has been or is issued to the wholesaler, retailer or proprietor under Section 39-290, Wyoming Statutes 1957, as amended;

(iii) A provision that all amendments subsequent to the effective date of the enactment of the Sections hereinabove set forth in subparagraph (ii) relating to sales tax and not inconsistent with this Section, shall automatically become a part of the Sales Tax Ordinance of the county;

(iv) A provision that the county shall contract prior to the effective date of the County Sales Tax Ordinance with the State Board of Equalization to perform all functions incident to the administration or operation of the Sales Tax Ordinance of the County;

(v) A provision that the amount subject to tax shall not include the amount of any sales tax or use tax imposed by the State of Wyoming.

(i) The administration of the county sales tax is vested in and shall be exercised by the State Board of Equalization of Wyoming which may prescribe forms and reasonable rules and regulations in conformity with this Act for making of returns and for the ascertainment, assessment and collection of the taxes imposed hereunder. The Board shall keep full and accurate records of all monies received by it and how disbursed; and all tax returns and records shall be open to examination at any and all times by the State Examiner or his deputies or examiners subject, however, to the provisions of Section 39-296, Wyoming Statutes 1957.

(j) All sums of money received and collected under the provisions of this Section shall be deposited by the State Board of Equalization in a bank approved by the State Board of Deposits, and after collections have cleared through said bank, the said money, excepting bond deposits and the amount of refunds made, shall be distributed and paid over monthly as follows:

(i) The Board shall first deduct the amount necessary to



defray the costs of collecting the tax and the administrative expenses incident thereto, which amount shall be credited to the Department of Revenue Administration Fund;

(ii) The remaining balance shall be deposited with the State Treasurer in the County Sales Tax Fund and shall be distributed and paid over to the counties imposing the said tax and the incorporated cities and towns situated in said counties in the following manner:

(A) The Board shall first compute the amount of the remaining balance that was collected in each county imposing the tax;

(B) Based on the last federal census the Board shall then determine the total population of each county imposing the tax and of each incorporated city or town within such county;

(C) Then the amount of the remaining balance which has been collected in the county imposing the tax shall be paid,

(I) To the said county, for deposit in its General Fund, in the proportion that the population of the county situated outside of the corporate limits of its cities and towns bears to the total population of the county, and

(II) To the incorporated cities and towns within such county, for deposit in its treasury, in the proportion that the population of the incorporated city or town bears to the total population of the county as determined by the last Federal decennial census.

(k) The governing body of any incorporated city or town, situated within a county which has not imposed an excise tax as provided in this Section, is hereby authorized to impose, by ordinance, an excise tax of one-half of one per cent ( $\frac{1}{2}$  of 1%) upon retail sales of tangible personal property and the other transactions set forth in Section 39-291, Wyoming Statutes 1957, as amended, made within the city or town. The purpose of such tax is for general revenue.

(l) Any city or town Sales Tax Ordinance adopted pursuant to subsection (k) shall include provisions in substance as follows:

(i) A provision imposing an excise tax upon every retail sale of tangible personal property and the other transactions set forth in Section 39-291, Wyoming Statutes 1957, as amended, made within the city or town at the rate of one-half of one per cent ( $\frac{1}{2}$  of 1%) of the consideration paid or charged;

(ii) Provisions identical to those contained in Sections 39-287, 39-290 through 39-304, 39-307 and 39-308, Wyoming Statutes 1957, as amended, insofar as they relate to sales taxes, except that the name of the city or town as the taxing agency shall be substituted for that of the State and that an additional license to engage in business shall not be required if one has been or is issued to the wholesaler, retailer or proprietor under Section 39-290, Wyoming Statutes 1957, as amended;

(iii) A provision that all amendments subsequent to the effective date of the enactment of the Sections hereinabove set forth in subparagraph (ii) relating to Sales Tax and not inconsistent with

this Section, shall automatically become a part of the Sales Tax Ordinance of the city or town;

(iv) A provision that the city or town shall contract prior to the effective date of its Sales Tax Ordinance with the State Board of Equalization to perform all functions incident to the administration or operation of the Sales Tax Ordinance of the city or town;

(v) A provision that the amount subject to tax shall not include the amount of any sales tax or use tax imposed by the State of Wyoming.

(m) The administration of the city or town sales tax is vested in and shall be exercised by the State Board of Equalization of Wyoming which may prescribe forms and reasonable rules and regulations in conformity with this Act for making of returns and for the ascertainment, assessment and collection of the taxes imposed hereunder. The board shall keep full and accurate records of all monies received by it and how disbursed; and all tax returns and records shall be open to examination at any and all times by the state examiner or his deputies or examiners subject, however, to the provisions of Section 39-296, Wyoming Statutes 1957.

(n) All sums of money received and collected under the provisions of this section shall be deposited by the State Board of Equalization in a bank approved by the State Board of Deposits, and after collections have cleared through said bank, the said money, excepting bond deposits and the amount of refunds made, shall be distributed and paid over monthly as follows:

(i) The board shall first deduct the amount necessary to defray the costs of collecting the tax and the administrative expenses incident thereto, which amount shall be credited to the Department of Revenue administration fund;

(ii) The remaining balance shall be deposited with the state treasurer in the city and town sales tax fund and shall be distributed and paid over to the incorporated cities and towns imposing the said tax in the following manner:

(A) The board shall first compute the amount of the remaining balance that was collected in each city or town imposing the tax;

(B) Then the amount of the remaining balance which has been collected in the city or town imposing the tax shall be paid to the said city or town for deposit in its treasury.

(o) No such tax shall be imposed by a city or town if an excise tax upon retail sales has been imposed by the county in which such city or town is situated; provided, further, that any such tax imposed by any city or town shall terminate upon the effective date of any sales tax imposed by the county in which the city or town is situated.

**Section 4.** This Act shall take effect on July 1, 1965.

Approved March 1, 1965.

**CHAPTER 119**

Original House Bill No. 408

**USE TAX**

AN ACT to amend and re-enact Section 39-311, Wyoming Statutes 1957, as amended and re-enacted in part by Section 1, Chapter 82, Session Laws of Wyoming 1959, and Sections 1 and 2, Chapter 144, Session Laws of Wyoming 1963, relating to the levy of an excise tax on the use of specified property, increasing the tax imposed from 2% to 2½%; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Tax on Storage, Use or Consumption of Tangible Personal Property;  
Collection of Tax on Motor Vehicles, Trailers**

**Section 1.** Section 39-311, Wyoming Statutes 1957, as amended and re-enacted in part by Section 1 of Chapter 82, Session Laws of Wyoming 1959, and Sections 1 and 2, Chapter 144, Session Laws of Wyoming 1963, is hereby amended and re-enacted to read as follows:

(a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property purchased from a retailer on or after June 1, 1937, for storage, use or other consumption in this state at the rate of two and one-half per cent (2½%) of the sales price of such property.

(b) Every person storing, using or otherwise consuming in this state tangible personal property purchased from a retailer shall be liable for the tax imposed by this act and the liability shall not be extinguished until the tax has been paid to this state; provided, however, that a receipt from a retailer authorized by the board, under such rules and regulations as it may prescribe to collect the tax imposed hereby and who shall for the purpose of this act be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of Section 39-314, Wyoming Statutes 1957, shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer.

(c) (i) The use tax of two and one-half per cent (2½%) as provided in Sections 39-309 to 39-335, inclusive, Wyoming Statutes 1957, as applies to motor vehicles, house trailers, trailer coaches, trailers, and semi-trailers shall be collected by the County Treasurer of the county in which the applicant applies for registration. The tax shall be collected at the time of the first registration of such motor vehicle by the applicant if registered for the first time in the State of Wyoming; provided, that such tax shall not be collected if the vehicle has been previously registered, by the same non-resident owner in another state, nor shall such tax be collected upon any subsequent registration in this State by the same owner.

(ii) County Treasurers required to collect use tax upon the sale or purchase of motor vehicles, house trailers, trailer coaches, trailers, and semi-trailers shall be reimbursed monthly in an amount equal to five per cent (5%) of the amount remitted to the State Board of Equalization in the preceding month, all reimbursements to become a part of the general fund of the county.

(iii) No vendor shall collect taxes imposed by this act on the sale of motor vehicles, house trailers, trailer coaches, trailers, and semi-trailers.

(d) The sale price of the motor vehicle, house trailers, trailer coaches, trailers, and semi-trailers shall be declared by the applicant for registration under oath, upon a form of affidavit furnished by the State Board of Equalization, or upon an invoice from the vendor, and the tax collected shall be upon such declared sales price. In the case of motor vehicles, house trailers, trailer coaches, trailers, and semi-trailers purchased outside the State of Wyoming and becoming the subject of a gift, the use tax shall be collected from the donee at the time of first registration based upon the fair market value of the property at the time of the gift. Taxes required to be collected under this section shall be remitted in full by the County Treasurer to the State Board of Equalization on the first (1st) and fifteenth (15th) days of each month and with such reports as said Board may require.

**Section 2.** This Act shall take effect on July 1, 1965.

Approved March 1, 1965.

## CHAPTER 120

Original Senate File No. 131

### COMMISSIONER OF PUBLIC LANDS

AN ACT amending and re-enacting Section 36-34, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 164, Session Laws of Wyoming 1961, relating to the duties of the commissioner of public lands, providing that the commissioner shall make out and sign all leases.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Duties; Mailing Lists for Oil and Gas Leases**

**Section 1.** That Section 36-34, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 164, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

It shall be the duty of the commissioner of public lands to keep the records of the board of land commissioners, and he shall be the secretary thereof, to make out and countersign all patents, contracts or other instruments issued by him to purchasers and others, and to make out and sign all leases. He shall keep a record of all such leases, patents or other instruments in books or other records kept for the purpose. He shall file and preserve in his office all bonds, contracts, leases, and other instruments given by lessees, purchasers and others. He shall have the custody of the seal of said board, and shall keep the minutes of the proceedings thereof, and shall perform such other duties concerning the business transactions of said board as it may direct. He shall receive all applications for purchasing, leasing, entering, locating or in any manner acquiring title to, interest in, or any benefit from or use of any lands belonging to or under the control of the State of Wyoming, and he shall allow or disallow, subject to

the approval of the board of land commissioners, such applications to purchase, lease, enter or otherwise acquire title to, interest in, benefit from or use of said lands, or the appurtenances thereof, and in all cases where there have been no conflicting applications, he shall report his decisions to said board for its approval at its next ensuing regular or special meeting, but in all cases where there have been conflicting applications to lease or otherwise acquire interests or benefits in said lands, he shall, before reporting his decisions to said board, give each of said applicants notice of what his decision is with reference to their said applications, and if none of said applicants files an appeal in writing from the decisions of said commissioner to the board within a period of thirty days, except in the case of oil and gas leases when the period shall be not less than ten days nor more than thirty days at the discretion of the board, after the date of said notice, the commissioner shall report his decision to the board for approval at its next meeting and in case an appeal in writing is taken from the decision of the commissioner to the board of land commissioners within the time provided, the said commissioner shall give each of said applicants at least ten days notice, except in the case of oil and gas leases when the period shall be five days' notice in writing of the date on which said appeal will be heard by said board.

Upon application and the annual payment of Ten Dollars (\$10.00) by any person qualified to lease oil and gas lands of the State of Wyoming, the commissioner shall place the name and address of such person on a mailing list and shall mail to such person a complete list of lands open for filing prior to the date upon which such lands become subject to filing. All sums paid by such persons shall be placed in the public land and farm loan fund and used to defray the expenses of preparing and mailing the lists.

Approved March 1, 1965.

## CHAPTER 121

Original House Bill No. 361

### DRIVERS' LICENSES

AN ACT to amend and re-enact Sections 31-252, 31-253, 31-256, 31-257, and 31-262, Wyoming Statutes 1957, relating to the minimum driving age and the licensing of persons who operate motor vehicles upon the highways, roads and streets of the State; and providing an effective date; and containing provisions against retroactive effect.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Minimum Age

Section 1. That Section 31-252, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

It shall be unlawful for any person to cause or knowingly permit his or her child or ward, under the age of sixteen (16) years, to drive a motor vehicle, except a power cycle, and under the age of fifteen

(15) years, to drive a power cycle, upon any public highway, road or street in the state.

**Permitting Unlicensed Minor to Drive; Renting Motor Vehicle to Unlicensed Person**

**Section 2.** That Section 31-253, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

It shall be unlawful for any person to cause or knowingly permit his or her minor child or ward over the age of sixteen (16) years to drive a motor vehicle except a power cycle, and over the age of fifteen (15) years, to drive a power cycle, upon any public highway, road or street in this state, unless such child, ward, or employee shall have first obtained a license to drive a motor vehicle. It shall be unlawful for any person knowingly to rent for hire a motor vehicle to be operated by any person who does not have a current license, or, in the case of a non-resident, who has not been licensed to drive a motor vehicle under the laws of his resident state, if the laws of his resident state so require.

**Instruction Permits**

**Section 3.** That Section 31-256, Wyoming statutes 1957, be amended and re-enacted to read as follows:

Any person who is at least fifteen (15) years of age may apply to the department for an instruction permit, to drive motor vehicles, or who is at least fifteen (15) years of age for a limited instruction permit to drive power cycles, provided that the application in either case is signed as provided in Section 31-263, Wyoming Statutes 1957. The department may, in its discretion, after the applicant has successfully passed all parts of the examination, other than the driving test, issue to the applicant an instruction permit, without fee, which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon public highways for a period of six (6) months when accompanied by one (1) licensed operator, except in the event the permittee is operating a motorcycle. The department may, in its discretion, renew any such instruction permit for an additional period of six (6) months.

**Special License to Operate School Bus, etc; Chauffeur's License**

**Section 4.** That Section 31-257, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

No person who is under the age of twenty-one (21) years shall drive any school bus transporting school children or any motor vehicle when in the use for transporting persons for compensation, until he has been licensed as a chauffeur and the license so indicates. Provided, however, that a person who has attained the age of sixteen (16) years, and not as yet the age of twenty-one (21) years, and who has secured the approval of the school district and the permission of the children's parents, shall be given a special driver's license for the operation of a motor vehicle in which students may be transported to and from school.

**Endorsement of Minor's Application; Exception for Limited License**

**Section 5.** That Section 31-262, Wyoming Statutes 1957, be

amended and re-enacted to read as follows:

The application of any minor, sixteen (16) years of age or above, in case of application for a driver's license, or eighteen (18) years of age or above, in the case of application for a chauffeur's license, shall not be granted unless such application is signed by both father and mother of the applicant, if both father and mother are living and have custody of such minor; otherwise, the parent, tutor, or any other person having custody of such minor; provided, that the application of any minor fifteen (15) years of age, or above, for a driver's license for the limited purpose of driving only powered cycles may be granted upon compliance with the other provisions of this section.

#### **Existing Licenses Saved**

**Section 6.** This Act shall be effective from and after September 1, 1965, and all driver's licenses issued prior to September 1, 1965, shall in no way be invalidated by the provisions hereof. The provisions of Section 1 of this Act shall not apply to persons concerning a child or ward of theirs who has obtained a license to drive a motor vehicle prior to September 1, 1965.

Approved March 1, 1965.

### **CHAPTER 122**

Original Senate File No. 57

#### **JUDICIAL SEPARATION**

AN ACT providing that a husband or wife may seek a judicial separation as an alternative to an absolute divorce, upon the same grounds as for an absolute divorce, and providing exceptions, procedure, and defenses thereto.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **When Action Proper**

**Section 1.** When the husband and wife are living separately, or when they are living together, and circumstances are such that grounds for a decree of divorce from the bonds of matrimony exist, the aggrieved party may institute a proceeding by complaint in the same manner as if petitioner were seeking a decree of divorce from the bonds of matrimony, but praying instead that petitioner be allowed to live separate and apart from the offending party.

#### **Divorce After Separation**

**Section 2.** No separation by decree entered hereunder shall thereafter be grounds for a decree of divorce from the bonds of matrimony on the grounds of desertion or two-year separation; but nothing herein shall be construed to prevent a decree of divorce from the bonds of matrimony if such grounds existed at the time of bringing the petition for judicial separation. Nothing herein shall be construed to prevent the granting of a decree of divorce from the bonds of matrimony, after such decree of judicial separation is entered, upon

proper grounds arising thereafter.

#### **Procedure**

**Section 3.** The procedure to be followed herein shall be the same as though petitioner were seeking a decree of divorce from the bonds of matrimony; and the court may make such orders and decrees as shall appear just and equitable, including (but not limited to) custody of the children, provision for support, disposition of the properties of the parties, temporary alimony, restraint of the husband during litigation, alimony, and restraint of disposition of property. The court may, in its discretion, impose a time limitation on the decree, or render a perpetual separation. The parties may at any time move the court for leave to be discharged from the decree.

#### **Defenses**

**Section 4.** All defenses available to the offending party in an action for a decree of divorce from the bonds of matrimony shall similarly be available under this Act.

Approved March 1, 1965

### **CHAPTER 123**

Original House Bill No. 111

#### **PUBLIC SERVICE COMMISSION — RATE AND ROUTE CHANGES**

AN ACT to amend and re-enact Section 37-141, Wyoming Statutes 1957, relating to the holding of hearings in connection with rate and route changes by order of the Public Service Commission and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Hearings**

**Section 1.** That Section 37-141, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

No route fixed by the commission by a certificate or permit shall be changed except by order of the commission after a hearing held for that purpose, at which hearing all interested parties have been given notice as required for hearings on applications; provided, however, in the matter of the commission fixing rates or fares, the commission shall hold hearings upon receipt of written protest and no rates so fixed by the commission shall take effect until twenty (20) days after notification of publication. Nothing contained herein shall preclude the commission from instituting any rate hearings on its own motion.

**Section 2.** That this Act shall take effect and be in force from and after its passage.

Approved March 1, 1965.



**CHAPTER 124**

Original Senate File No. 155

**TRANSMITTING UTILITY ACT**

AN ACT known as the "Transmitting Utility Act" relating to the filing by certain public utilities of certain instruments required to be filed under the provisions of the Uniform Commercial Code.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Short Title**

Section 1. This Act shall be known, and may be cited as, the "Transmitting Utility Act."

**Definitions**

Section 2. When used in this Act, the following words, terms and phrases shall have the meaning prescribed to them in this Section.

(a) "Transmitting Utility" means any corporation or other business entity primarily engaged, pursuant to rights or franchises issued by a state or federal regulatory body, in the railroad or street railway business, the telephone or telegraph business, the transmission of oil, gas or petroleum products by pipeline, or the transmission or the production and transmission of electricity, steam, gas or water.

(b) "Uniform Commercial Code" means Chapter 219, Session Laws of Wyoming, 1961, as amended.

**Filing Security Interests**

Section 3. Notwithstanding Sections 9-302(3), as amended, 9-302(4), as amended, 9-401(1), as amended, and 9-402 of the Uniform Commercial Code.

(a) If filing is required under the Uniform Commercial Code, the proper place to file in order to perfect a security interest in personal property or fixtures of a Transmitting Utility is in the office of the Secretary of State;

(b) When the financing statement covers goods of a Transmitting Utility which are or are to become fixtures, no description of the real estate concerned is required;

(c) A security interest in rolling stock of a Transmitting Utility may be perfected either as provided in Section 20 (c) of the Interstate Commerce Act or by filing a financing statement pursuant to the Uniform Commercial Code as provided in Subsection (a).

**Saving Clause**

Section 4. Unless displaced by the specific provisions of this Act, the Uniform Commercial Code and other applicable laws remain in full force and effect and supplement the provisions of this Act.

Approved March 1, 1965.

**CHAPTER 125**

Original Senate File No. 13

**LIS PENDENS**

AN ACT to amend and re-enact Section 1-46, Wyoming Statutes 1957, relating to the filing of notice of pendency of actions affecting title to real property or actions between husband and wife by providing for the filing of notice of actions pending in a State Court or in a United States District Court with the county clerk and ex-officio register of deeds in the county in which such property is situated.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Filed in District Court; Constructive Notice of Pendency of Action**

**Section 1.** That Section 1-46, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

In an action in a State Court or in a United States District Court affecting the title or right of possession of real property, or in an action between husband and wife, the plaintiff at the time of filing the petition or complaint, and the defendant at the time of filing his pleading when affirmative relief is claimed in such pleading, or at any time afterward, may file in the office of the county clerk and ex-officio register of deeds of the county in which the property is situated a notice of the pendency of the action containing the names of the parties, the object of the action or defense and a description of the property in that county affected thereby. From the time of the filing of such notice a subsequent purchaser or encumbrancer of the property affected thereby shall be deemed to have constructive notice of the pendency of the action.

Approved March 1, 1965.

**CHAPTER 126**

Original Senate File No. 126

**RAILROAD RIGHTS OF WAY**

AN ACT amending and re-enacting Section 37-206, Wyoming Statutes 1957, relating to fire-guards for railroad rights of way, allowing the use of herbicides in removing plant growth from the rights of way, and for control of noxious weeds.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Fire-guard to be Provided**

**Section 1.** That Section 37-206, Wyoming Statutes 1957, is amended to read as follows:

It shall be the duty of every railroad corporation operating its line of road, or any part thereof, within this State, between the first day of September and the first day of November of each and every year, upon its right of way upon each side of its roadbed, to burn as a fire-guard or otherwise eliminate by the use of herbicides all grass

to any assessment. The holders of such capital notes or debentures shall not be liable for any debts, contracts or engagements of such bank, nor for assessments to restore impairments in the capital of such bank.

#### **Proceeds, Restrictions**

**Section 7.** The proceeds from the sale of notes or debentures issued and sold under the authority of this Act may not be used to reduce or retire outstanding capital stock or surplus.

#### **Not Portion of Capital or Surplus**

**Section 8.** No such capital notes or debentures shall be considered a portion of the capital or surplus of the issuing bank and no such note or debenture shall be treated as meeting any requirements, restrictions, or conditions relating to the capital or surplus of a bank.

Approved March 1, 1965

### **CHAPTER 128**

Original House Bill No. 355

#### **MOTOR CARRIERS — COMPENSATORY FEES**

AN ACT to amend and re-enact Section 37-168, Wyoming Statutes, 1957, as amended and re-enacted by Section 5, Enrolled Act No. 61, House of Representatives of the Thirty-Eighth State Legislature of the State of Wyoming (Original House Bill No. 150), and to amend and re-enact Section 2 and Section 3, Chapter 191, Session Laws of Wyoming, 1963, as amended and re-enacted by Sections 6 and 7, Enrolled Act No. 61, House of Representatives of the Thirty-Eighth State Legislature of the State of Wyoming (Original House Bill No. 150), relating to compensatory fees for motor carrier operations; providing for advance flat-rate payments thereof by motor carriers operating vehicles having an unladen weight of 12,000 pounds or more and less than 16,000 pounds; providing for payment of compensatory fees and special fuel use fees for vehicles having an unladen weight of 16,000 pounds or more; and providing maximum mileages per gallon allowable in computing the fee on special fuel.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Schedule of Fees for Use of Highways**

**Section 1.** That Section 37-168, Wyoming Statutes, 1957, as amended and re-enacted by Section 5, Enrolled Act No. 61, House of Representatives of the Thirty-Eighth State Legislature of the State of Wyoming (Original House Bill No. 150), is amended and re-enacted to read as follows:

In addition to all fees and taxes now imposed by authority of law upon all motor vehicles, semi-trailers and trailers, or motor carriers in this state, and in addition to the fees herein provided to be paid to the commission, every motor carrier operating on any state highway shall pay to the State Board of Equalization, for maintenance, repair and reconstruction of the highways, the following compensatory fees for the use of such state highways:

For motor vehicles or legal combinations of vehicles powered with motors using gasoline for fuel shall elect annually to pay compensatory fees monthly at the rate of two and one-half cents (\$.025) per mile traveled, or pay the following fees:

(1) Having an unladen weight of four thousand (4,000) pounds or less and for vehicles used exclusively in performing towing and wrecker service in connection with the movement of wrecked or disabled vehicles from highways, the compensatory fee shall be Six Dollars (\$6) per registration year or at the rate of fifty cents (\$.50) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(2) Having an unladen weight of more than four thousand (4,000) pounds and less than six thousand (6,000) pounds, the compensatory fee shall be Twelve Dollars (\$12) per registration year or at the rate of One Dollar (\$1) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(3) Having an unladen weight of six thousand (6,000) or more pounds and less than eight thousand (8,000) pounds, the compensatory fee shall be Twenty-four Dollars (\$24) per registration year or at the rate of Two Dollars (\$2) per month payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(4) Having an unladen weight of eight thousand (8,000) or more pounds and less than ten thousand (10,000) pounds, the compensatory fee shall be Thirty-six Dollars (\$36) per registration year or at the rate of Three Dollars (\$3) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(5) Having an unladen weight of ten thousand (10,000) or more pounds and less than twelve thousand (12,000) pounds, the compensatory fee shall be Forty-eight Dollars (\$48) per registration year or at the rate of Four Dollars (\$4) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

#### **Non-Gasoline Powered Vehicles, Fees**

**Section 2.** That Section 2, Chapter 191, Session Laws of Wyoming, 1963, as amended and re-enacted by Section 6, Enrolled Act No. 61, House of Representatives of the Thirty-Eighth State Legislature of the State of Wyoming (Original House Bill No. 150), is amended and re-enacted to read as follows:

(a) For motor vehicles or legal combinations of vehicles powered with motors not using gasoline for fuel shall elect annually to pay compensatory fees monthly at the rate of two and one-half cents (\$.025) per mile traveled, or pay the following fees:

(1) Having an unladen weight of four thousand (4,000) pounds or less, the compensatory fee shall be Twelve Dollars (\$12) per registration year or at the rate of One Dollar (\$1) per month, payable

in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(2) Having an unladen weight of more than four thousand (4,000) pounds and less than six thousand (6,000) pounds, the compensatory fee shall be Thirty Dollars (\$30) per registration year or at the rate of Two Dollars and Fifty Cents (\$2.50) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(3) Having an unladen weight of six thousand (6,000) or more pounds and less than eight thousand (8,000) pounds, the compensatory fee shall be Forty-eight Dollars (\$48) per registration year or at the rate of Four Dollars (\$4) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(4) Having an unladen weight of eight thousand (8,000) or more pounds and less than ten thousand (10,000) pounds, the compensatory fee shall be Sixty-six Dollars (\$66) per registration year or at the rate of Five Dollars and Fifty Cents (\$5.50) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

(5) Having an unladen weight of ten thousand (10,000) or more pounds and less than twelve thousand (12,000) pounds, the compensatory fee shall be Ninety Dollars (\$90) per registration year or at the rate of Seven Dollars and Fifty Cents (\$7.50) per month, payable in advance for the number of months remaining in the registration year in which the certificate or permit is issued or renewed.

#### **Refund of Compensatory Fee Rate on Mile Basis; Reports to be Filed; Penalty for Violations; Definitions**

Section 3. That Section 3, Chapter 191, Session Laws of Wyoming, 1963, as amended and re-enacted by Section 7, Enrolled Act No. 61, House of Representatives of the Thirty-Eighth State Legislature of the State of Wyoming (Original House Bill No. 150), is amended and re-enacted to read as follows:

(a) Any motor carrier holding a current certificate or permit and who has made advance payment of a compensatory fee in accordance with the flat rates above prescribed in this Section shall, upon written request to the Board together with the surrender of the identification card and vehicle plates assigned by the Board to the vehicle or legal combination of vehicles covered by such payment, receive a refund of that portion of the payment which is based upon the number of whole months remaining in the registration year during which the said certificate or permit shall continue to remain in full force and effect, less any other compensatory fees which are due and payable to the said Board.

(b) For freight or express service, for motor vehicles or legal combinations of vehicles powered with motors using gasoline for fuel and having an unladen weight of twelve thousand (12,000) pounds or more, the compensatory fee shall be at the rate of one and one-half ( $1\frac{1}{2}$ ) mills per ton mile on the unladen weight, as defined in Section 37-131 (u) Wyoming Statutes, 1957.

(c) For passenger service for motor vehicles or legal combinations of motor vehicles powered with motors using gasoline for fuel and having an unladen weight of twelve thousand (12,000) pounds or more, the compensatory fee shall be at the rate of one and seven-tenths cents (\$.017) per mile traveled on Wyoming State highways by said vehicle.

(d) For freight or express service, for motor vehicles or legal combinations of vehicles not using gasoline for fuel and having an unladen weight of twelve thousand (12,000) pounds or more, the compensatory fee shall be at the rate of one and one-half ( $1\frac{1}{2}$ ) mills per ton mile on the unladen weight of the vehicle, as defined in Section 37-131 (u) Wyoming Statutes, 1957, and to such fee there is hereby added an additional fee on special fuels of seven cents (\$.07) per gallon on diesel fuel and five cents (\$.05) per gallon on butane or propane or mixture thereof.

(e) All persons, firms, partnerships or corporations shall report monthly on forms prescribed by the State Board of Equalization on all special fuels used stating gallonage consumed and total number of miles traveled on state highways in Wyoming and the average vehicle mileage per gallon.

(f) The actual gallonage consumed, miles traveled and average mileage per gallon shall be reported in all cases but in computing and paying the fee on special fuel, the maximum mileage allowed per gallon of special fuel shall in no case be in excess of the following:

(1) For vehicles or legal combinations of vehicles having an unladen weight of twelve thousand (12,000) pounds or more and less than eighteen thousand (18,000) pounds, seven (7) miles per gallon;

(2) For vehicles or legal combinations of vehicles having an unladen weight of eighteen thousand (18,000) pounds or more and less than twenty-two thousand (22,000) pounds, six and one-half ( $6\frac{1}{2}$ ) miles per gallon;

(3) For vehicles or legal combinations of vehicles having an unladen weight of twenty-two thousand (22,000) pounds or more and less than twenty-six thousand (26,000) pounds, six (6) miles per gallon;

(4) For vehicles or legal combinations of vehicles having an unladen weight of twenty-six thousand (26,000) pounds or more and less than twenty-eight thousand (28,000) pounds, five and one-half ( $5\frac{1}{2}$ ) miles per gallon;

(5) For vehicles or legal combinations of vehicles having an unladen weight of twenty-eight thousand (28,000) pounds or more and less than thirty thousand (30,000) pounds, five (5) miles per gallon;

(g) Provided, however, that the special fuel user who annually furnishes to the Board of Equalization conclusive proof by accepted cost accounting methods that he or it actually obtains average mileage per gallon greater than provided for by the above table, may compute and pay the fee on the basis of such proven actual fuel mileage.

(h) Any special fuel user who refuses or fails to file a true and correct return required by this Section within the time prescribed shall upon conviction thereof be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Twenty-five Dollars (\$25), nor more than One Hundred Dollars (\$100), or by imprisonment in the county jail not to exceed six (6) months, or both in the discretion of the court; and on a second or further conviction for the same violation such special fuel user shall be deemed guilty of a misdemeanor and punished as herein provided and in addition shall report monthly for the next registration year thereafter at the rate of one and one-half cents (\$.015) per vehicle mile traveled on state highways.

(i) For passenger service for motor vehicles or legal combinations of motor vehicles powered with motors not using gasoline for fuel and having an unladen weight of twelve thousand (12,000) pounds or more, the compensatory fee shall be at the rate of two and one-half cents (\$.025) per mile traveled on Wyoming State highways by said vehicle.

(j) For the purpose of determining the number of ton miles, the unladen weight in pounds of the vehicle, as defined in Section 37-131 (u) Wyoming Statutes, 1957, shall be multiplied by the number of miles of travel on state highways, the product of which shall be divided by two thousand (2,000).

(k) Vehicle mile means the number of miles traveled on Wyoming State highways by a truck or tractor or other unit providing motive power, or a combination of units, one of which units provides motive power for the combination.

(l) Legal gross weight means that maximum weight of a vehicle or combination of vehicles, with load, which is prescribed in Section 31-217, Wyoming Statutes, 1957, for lawful operation on the highways of this state.

Approved March 1, 1965

## CHAPTER 129

Original House Bill No. 30

### TRADEMARKS

AN ACT relating to trademarks and service marks; providing for definitions, registration, certification, renewal, assignment, records, cancellation and classification thereof; describing fraudulent registration and infringement and providing remedies therefor; excepting livestock brands from the provisions of this act; and to repeal Section 40-1 through 40-7, Wyoming Statutes 1957.

*Be It Enacted by the Legislature of the State of Wyoming:*

### Definitions

Section 1. (a) The term "trademark" as used herein means any word, name, symbol, or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others.

(b) The term "service mark" as used herein means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others.

(c) The term "mark" as used herein includes any trademark or service mark entitled to registration under this Act whether registered or not.

(d) The term "person" as used herein means any individual, firm, partnership, corporation, association, union or other organization.

(e) The term "applicant" as used herein embraces the person filing an application for registration of a trademark under this Act, his legal representatives, successors or assigns.

(f) The term "registrant" as used herein embraces the person to whom the registration of a trademark under this Act is issued, his legal representatives, successors or assigns.

(g) For the purposes of this Act, a trademark shall be deemed to be "used" in this state (i) on goods when it is placed in any manner on the goods or their containers on the displays associated therewith or on the tags or labels affixed thereto and such goods are sold or otherwise distributed in the state, and (ii) on services when it is used or displayed in the sale or advertising of services and the services are rendered in this state.

#### **Marks Which Cannot be Registered**

**Section 2.** A mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall not be registered if it

(a) consists of or comprises immoral, deceptive or scandalous matter; or

(b) consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or

(c) consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

(d) consists of or comprises the name, signature or portrait of any living individual, except with his written consent; or

(e) consists of a mark which, (A) when applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them, or (B) when applied to the goods or services of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, or (C) is primarily merely a surname provided, however, that nothing in this section (e) shall prevent the registration of a mark used in this state by the applicant which has become distinctive of the applicant's goods or services. The Secretary of State may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or services, proof of



continuous use thereof as a mark by the applicant in this state or elsewhere for the five years next preceding the date of the filing of the application for registration; or

(f) consists of or comprises a mark which so resembles a mark registered in this state or a mark or trade name previously used in this state by another and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive.

#### **Application for Registration**

**Section 3.** (a) Subject to the limitations set forth in this Act, any person who adopts and uses a mark in this state may file in the office of the Secretary of State, on a form to be furnished by the Secretary of State, an application for registration of that mark setting forth, but not limited to, the following information:

(1) the name and business address of the person applying for such registration; and, if a corporation, the state of incorporation.

(2) the goods or services in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods or services and the class in which such goods or services fall,

(3) the date when the mark was first used anywhere and the date when it was first used in this state by the applicant or his predecessor in business, and

(4) a statement that the applicant is the owner of the mark and that no other person has the right to use such mark in this state either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

(b) The application shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying.

(c) The application shall be accompanied by a specimen or facsimile of such mark in triplicate.

(d) The application for registration shall be accompanied by a filing fee of Ten Dollars (\$10.00), payable to the Secretary of State.

#### **Certificate**

**Section 4.** (a) Upon compliance by the applicant with the requirements of this Act, the Secretary of State shall cause a certificate of registration to be issued and delivered to the applicant. The certificate of registration shall be issued under the signature of the Secretary of State and the Seal of the State, and it shall show the name and business address and, if a corporation, the state of incorporation, of the person claiming ownership of the mark, the date claimed for the first use of the mark anywhere and the date claimed for the first use of the mark in this state, the class of goods or services and a description of the goods or services on which the mark is used, a reproduction of the mark, the registration date and the term of the registration.

(b) Any certificate of registration issued by the Secretary of State under the provisions hereof or a copy thereof duly certified by the Secretary of State shall be admissible in evidence as competent and sufficient proof of the registration of such mark in any action or judicial proceedings in any court of this state.

#### **Term; Renewal**

**Section 5.** (a) Registration of a mark hereunder shall be effective for a term of ten years from the date of registration and, upon application filed within six months prior to the expiration of such term, on a form to be furnished by the Secretary of State, which includes a statement that the mark is still in use in this state, the registration may be renewed for a like term. A renewal fee of Ten Dollars (\$10.00), payable to the Secretary of State, shall accompany the application for renewal of the registration.

(b) A mark registration may be renewed for successive periods of ten years in like manner.

(c) The Secretary of State shall notify registrants of marks hereunder of the necessity of renewal within the year next preceding the expiration of the ten years from the date of registration, by writing to the last known address of the registrants.

(d) Any registration in force on the date on which this Act shall become effective and shall expire ten years from the date of the registration or of the last renewal thereof or one year after the effective date of this Act, whichever is later, and may be renewed by filing an application with the Secretary of State on a form furnished by him and paying the aforementioned renewal fee therefor within six months prior to the expiration of the registration.

(e) The Secretary of State shall within six months after the effective date of this Act notify all registrants of marks under previous acts of the date of expiration of such registrations unless renewed in accordance with the provisions of this Act, by writing to the last known address of the registrants.

#### **Assignment**

**Section 6.** Any mark and its registration hereunder shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Assignment shall be by instruments in writing duly executed and may be recorded with the Secretary of State upon the payment of a fee of Ten Dollars (\$10.00) payable to the Secretary of State who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under this Act shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is recorded with the Secretary of State within three months after the date thereof or prior to such subsequent purchase.

#### **Public Record of Marks**

**Section 7.** The Secretary of State shall keep for public examination a record of all marks registered or renewed under this Act.

**Cancellation**

**Section 8.** The Secretary of State shall cancel from the register:

(a) after one year from the effective date of this Act, all registrations under prior acts which are more than ten years old and not renewed in accordance with this Act;

(b) any registration concerning which the Secretary of State shall receive a voluntary request for cancellation thereof from the registrant or the assignee of record;

(c) all registrations granted under this Act and not renewed in accordance with the provisions hereof;

(d) any registration concerning which a court of competent jurisdiction shall find (i) that the registered mark has been abandoned, (ii) that the registrant is not the owner of the mark, (iii) that the registration was granted improperly, (iv) that the registration was obtained fraudulently, (v) that the registered mark is so similar, as to be likely to cause confusion or mistake or to deceive, to a mark registered by another person in the United States Patent Office, prior to the date of the filing of the application for registration by the registrant hereunder, and not abandoned; provided, however, that should the registrant prove that he is the owner of a concurrent registration of his mark in the United States Patent Office covering an area including this state, the registration hereunder shall not be cancelled.

(e) when a court of competent jurisdiction shall order cancellation of a registration on any ground.

**Classification for Marks**

**Section 9.** The following general classes of goods and services are established for convenience of administration of this Act, but not to limit or extend the applicant's or registrant's rights, and a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used comprised in a single class, but in no event shall a single application include goods or services upon which the mark is being used which fall within different classes of goods or services.

(a) The said classes are as follows:

(1) Goods:

1. Raw or partly prepared materials
2. Receptacles
3. Baggage, animal equipments, portfolios, and pocket-books
4. Abrasives and polishing materials
5. Adhesives
6. Chemicals and chemical compositions
7. Cordage
8. Smokers' articles, not including tobacco products
9. Explosives, firearms, equipments, and projectiles

10. Fertilizers
11. Inks and inking materials
12. Construction materials
13. Hardware and plumbing and steam-fitting supplies
14. Metals and metal castings and forgings
15. Oils and greases
16. Paints and painters' materials
17. Tobacco products
18. Medicines and pharmaceutical preparations
19. Vehicles
20. Linoleum and oiled cloth
21. Electrical apparatus, machines, and supplies
22. Games, toys, and sporting goods
23. Cutlery, machinery, and tools, and parts thereof
24. Laundry appliances and machines
25. Locks and safes
26. Measuring and scientific appliances
27. Horological instruments
28. Jewelry and precious-metal ware
29. Brooms, brushes, and dusters
30. Crockery, earthenware, and porcelain
31. Filters and refrigerators
32. Furniture and upholstery
33. Glassware
34. Heating, lighting, and ventilating apparatus
35. Belting, hose, machinery packing, and non-metallic tires
36. Musical instruments and supplies
37. Paper and stationery
38. Prints and publications
39. Clothing
40. Fancy goods, furnishings, and notions
41. Canes, parasols, and umbrellas
42. Knitted, netted and textile fabrics, and substitutes therefor
43. Thread and yarn
44. Dental, medical, and surgical appliances
45. Soft drinks and carbonated waters
46. Foods and ingredients of foods
47. Wines
48. Malt beverages and liquors
49. Distilled alcoholic liquors
50. Merchandise not otherwise classified
51. Cosmetics and toilet preparations
52. Detergents and soaps
- (2) Services:
  100. Miscellaneous
  101. Advertising and business
  102. Insurance and financial
  103. Construction and repair
  104. Communications
  105. Transportation and storage
  106. Material treatment
  107. Education and entertainment

**False, Fraudulent Marks; Liability for Damages**

**Section 10.** Any person who shall for himself, or on behalf of any other person, procure the filing or registration of any mark in the office of the Secretary of State under the provisions hereof, by knowingly making any false or fraudulent representation or declaration, verbally or in writing, or by any other fraudulent means, shall be liable to pay all damages sustained in consequence of such filing or registration, to be recovered by or on behalf of the party injured thereby in any court of competent jurisdiction.

**Civil Liability**

**Section 11.** Subject to the provisions of Section 13 hereof of any person who shall

(a) use, without the consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a mark registered under this Act in connection with the sale, offering for sale, or advertising of any goods or services on or in connection with which such use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods or services; or

(b) reproduce, counterfeit, copy or colorably imitate any such mark and apply such reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in conjunction with the sale or other distribution in this state of such goods or services; shall be liable to a civil action by the owner of such registered mark for any or all of the remedies provided in Section 12 hereof, except that under subsection (b) hereof the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such mark is intended to be used to cause confusion or mistake or to deceive.

**Injunction**

**Section 12.** (a) Any owner of a mark registered under this Act may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof and any court of competent jurisdiction may grant injunctions to restrain such manufacture, use, display or sale as may be by the said court deemed just and reasonable, and may require the defendants to pay to such owner all profits derived from and/or all damages suffered by reason of such wrongful manufacture, use, display or sale; and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

(b) The enumeration of any right or remedy herein shall not affect a registrant's right to prosecute under any penal law of this state.

**Common Law Marks Saved**

**Section 13.** Nothing herein shall adversely affect the rights or the enforcement of rights in marks acquired in good faith at any time at common law.

**Brands Excepted from Act**

**Section 14.** This Act shall not be construed to apply to brands, marks or tags on livestock.

**Sections Repealed**

**Section 15.** Sections 40-1 through 40-7, Wyoming Statutes 1957, are hereby repealed.

Approved March 1, 1965

**CHAPTER 130**

Original House Bill No. 172

**LIQUOR IDENTIFICATION CARD**

AN ACT to amend and re-enact subsections (a), (b) and (c) of Section 12-33, Wyoming Statutes 1957, relating to the sale of alcoholic or malt beverages to habitual drunkards, incompetents and minors; to prohibit the sale of alcoholic beverages to persons under 21 years of age; to provide a method of identifying persons between the ages of 21 and 26 years for the purpose of the sale of alcoholic beverages and govern the sale of alcoholic beverages to such persons; and to provide penalties for the violation of such provisions.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Sales, etc. of Liquor by Licensee to Certain Persons Prohibited; Penalty**

**Section 1.** That subsection (a) of Section 12-33, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(a) Every holder of a license issued under the provisions of this Act, Chapter 2 of Title 12, Wyoming Statutes 1957, or the servant or employee of such holder, who shall sell, give or deliver alcoholic or malt beverages to any habitual drunkard or any incompetent person; and every holder of a retail liquor license, or his servant or employee, who shall permit any person under the age of twenty-one (21) years to enter or remain in the place, except drug stores, in which he sells intoxicating or malt liquors shall be guilty of a misdemeanor.

**Sales, etc. of Liquor by Others to Minors Prohibited; Penalty**

**Section 2.** That subsection (b) of Section 12-33, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(b) Every person who sells, furnishes, gives, or causes to be sold, furnished or given away any alcoholic or malt beverage to any person under the age of twenty-one (21) years, who is not his legal ward, medical patient or member of his own immediate family, shall be guilty of a misdemeanor.

**Minors with Liquor in Possession; Penalty; Exceptions**

**Section 3.** That subsection (c) of Section 12-33 be amended and re-enacted to read as follows:

(c) Any person under the age of twenty-one (21) years who has any alcoholic or malt beverage in his possession or who is drunk or under the influence of intoxicating liquor or drugs or malt beverages, on any street or highway or in any public place is guilty of a misdemeanor. This subsection shall not apply to possession by a person under the age of twenty-one (21) years making a delivery of such alcoholic beverages in pursuance of the order of his parent or pursuant to his employment.

#### **Liquor I.D. Card; Application; Warning Legend**

**Section 4.** (a) A person twenty-one (21) years of age and under twenty-six (26) years of age who is a resident of this state may make application to the Wyoming Liquor Commission or a County Clerk for an identification card to establish his age in purchasing alcoholic and malt beverages. Written application shall be made upon a form prescribed by the commission, which shall include information as to the name, residence, date and place of birth and age of the applicant and such other pertinent information as the commission may require. The application shall be accompanied by a photograph of the applicant taken within one year prior to the date of application and the fee for such card, which shall not exceed One Dollar (\$1.00). If the commission is satisfied that the applicant is a qualified person to obtain an identification card and the photograph meets the requirements of the commission, it shall issue the identification card. All such identification cards shall carry an individual serial number and an expiration date identical with the twenty-sixth birthday of the applicant.

(b) The identification card shall be in such form as the commission shall prescribe and shall include the name, residence and age of the applicant and shall bear his picture. The card shall be signed by the applicant and countersigned with the signature or facsimile of the chairman of the commission and may contain such other information as the commission may require to properly identify the holder. The back of the card shall bear the statement that it is unlawful for a person under twenty-one (21) years of age to possess alcoholic beverages or to falsely represent his age to obtain alcoholic and malt beverages, and that it is unlawful for any person not entitled thereto to have a card issued to him or for any person to have loaned to him or for any person to loan or to permit another person to use his card to procure alcoholic and malt beverages and that penalties are provided therefor.

(c) The identification card shall be made of such material that the information appearing thereon cannot be altered and it shall be encased in laminated plastic or other similar material.

#### **Age Affidavit**

**Section 5.** (a) All licensees, before selling or serving alcoholic or malt beverages to any person about whom there is any reasonable doubt of his having reached twenty-one (21) years of age, shall require such person to produce his identification card issued under this act and to make a written statement of age in the following form:





cation card of any person if such card is used by himself or by some other person in the furtherance of an act in violation of the laws of the State of Wyoming or any ordinance of an incorporated city or town of the State of Wyoming, and for this purpose every conviction of any offense involving an identification card shall be reported to the commission by the judge or justice before whom such offense was tried, in a form to be prescribed by the commission.

(c) Any agent or employee of the commission or any judge or justice of this state having information that an identification card was used in the commission of a crime or violation of an ordinance may confiscate or suspend such identification card for such period of time as he shall deem advisable, in addition to any other penalty provided by law.

Approved March 1, 1965

## CHAPTER 131

Original House Bill No. 148

### MEDICAL ASSISTANCE TO AGED

AN ACT to amend and re-enact Section 4, Chapter 78, Session Laws of Wyoming 1963, providing for the authorization of the State Department of Public Welfare to furnish medical assistance to the aged with due regard to income and resources of a recipient and defining income and resources; to raise the limitation on income and resources; and to provide an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Assistance Allowed; Limitations

**Section 1.** That Section 4, Chapter 78, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

Assistance may be furnished under this Act for medical services above Twenty-five Dollars (\$25) received annually by each recipient, with due regard to income and resources of the recipient or available to him, in the amounts and providing benefits according to the rules, regulations and standards of the state department and funds available and remaining for such purposes. In determining need, the following income and resources shall not disqualify a recipient for assistance under this Act: Income of One Thousand Five Hundred Dollars (\$1,500) annually of a single recipient, or Three Thousand Dollars (\$3,000) annually of a married recipient and spouse (determined after deduction of costs incurred for that year for medical services which may include payments for any personal health plan or insurance by or on behalf of each recipient not exceeding One Hundred Fifty Dollars (\$150) annually or Three Hundred Dollars (\$300) annually for recipient and spouse); shelter value of a residence; gifts and services in kind not exceeding Two Hundred Dollars (\$200) annually; all household goods and wearing apparel and ordinary personal effects; other personal property resources not exceeding Two Thousand Five Hundred Dollars (\$2,500) in value (including cash value of life insurance); and, property not exceeding Four Thousand Dol-

lars (\$4,000) assessed valuation. The value of any receipts or contributions or support from insurance or health plan benefits or responsible relatives shall be included in determining income and resources of a recipient.

**Section 2.** This Act shall take effect July 1, 1965.

Approved March 1, 1965

## CHAPTER 132

Original Senate File No. 35

### COMPLIMENTARY HUNTING AND FISHING LICENSES

AN ACT amending and re-enacting Sub-section (B), Section 23-86, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 196, Session Laws of Wyoming 1959, pertaining to the issuance of complimentary hunting and fishing licenses, providing that the Commission shall issue, at the request of the Governor, ten complimentary hunting and twenty complimentary fishing licenses.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Number Allowed; Pioneer Licenses

**Section 1.** Sub-section (B), Section 23-86, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 196, Session Laws of Wyoming 1959, is amended and re-enacted to read as follows:

(B) Provided, however, that the Commission shall issue annually, at the request of the Governor, not to exceed ten complimentary hunting and twenty complimentary fishing licenses; provided, further, that any bona fide resident of Wyoming, who has resided in the State of Wyoming for twenty or more years, and is over the age of sixty-five years, shall be granted a lifetime bird and fish license as long as he is a resident of this State without charge; provided further that any bona fide resident of Wyoming, who has resided in the State for thirty or more years, and is over the age of sixty-five years, shall be granted a resident hunting license and a resident antelope permit without charge. The Commission shall reserve seventy-five (75%) per cent of the moose and sheep permits issued in any one year for resident hunters up to July 1 of the year issued.

Approved March 1, 1965

## CHAPTER 133

Original House Bill No. 299

### FOREIGN BANKING CORPORATIONS

AN ACT to provide that a foreign corporation, carrying on a banking or insurance business, shall not be considered to be transacting business in this state by reason of carrying on in this state any one or more of the following activities: Purchasing evidences of debt, mortgages or liens on real or personal property, securing or collecting debts or enforcing any rights in property securing the same.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Transacting Business Defined**

**Section 1.** Without excluding other activities which may not constitute transacting business in this state, a foreign corporation carrying on a banking business shall not be considered to be transacting business in this state by reason of carrying on in this state any one or more of the following activities:

(a) Purchasing evidences of debt, mortgages or liens on real or personal property;

(b) Securing or collecting debts or enforcing any rights in property securing the same.

Approved March 1, 1965

### **CHAPTER 134**

Original Senate File No. 122

#### **COMMISSIONER OF PUBLIC LANDS—BOND**

AN ACT amending and re-enacting Section 36-33, Wyoming Statutes 1957, relating to the bond of the commissioner of public lands, providing for a blanket corporate surety bond covering the commissioner and all other land office employees; amending and re-enacting Section 36-44, Wyoming Statutes 1957, relating to the bond of the deputy commissioner, providing for a waiver of bond in the event of a blanket bond.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Requirements; Blanket Bond**

**Section 1.** That Section 36-33, Wyoming Statutes 1957, as amended and re-enacted to read as follows:

The commissioner of public lands shall, before entering upon the duties of his office, enter into a bond with sufficient sureties, to be approved by the governor, to the State of Wyoming, in the sum of \$10,000.00, conditional that he will well and truly perform the duties of commissioner of public lands, as required of him by law; that he will safely keep all moneys which may come into his hands by virtue of his office, and pay the same over to the state treasurer monthly, unless otherwise provided by law; that he will well and truly deliver over to his successor in office, or to any other person authorized by law to receive the same, the books, papers and other things pertaining to or in any way belonging to said office. Provided, in lieu of the individual bond a good and sufficient blanket corporate surety bond in the amount of Ten Thousand Dollars (\$10,000.00) may be furnished, subject to approval by the governor. Such bond shall expressly include the positions of the commissioner of public lands, the deputy commissioner of public lands, the chief auditor and shall extend coverage to all other employees of the Wyoming State Land Office.

**Deputy Commissioner Bond**

Section 2. That Section 36-44, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

The deputy commissioner of public lands, before entering upon the duties of his office, shall take the oath of office prescribed by the constitution, and shall enter into a bond with sufficient sureties, to be approved by the governor, in the same amount, and with the same conditions as the bond required of the commissioner of public lands. The individual bond shall be waived if the position of deputy commissioner has been expressly included in a blanket bond furnished pursuant to Section 36-33, Wyoming Statutes 1957.

Approved March 1, 1965

**CHAPTER 135**

Original Senate File No. 105

**GUARDIANSHIP**

AN ACT providing a judicial procedure for the appointment of a guardian for the person and property of an incompetent or mentally incompetent person; a judicial procedure for terminating such guardianship and restoration to competency of such a ward, authorizing the merger of incompetency proceedings with involuntary hospitalization proceedings; providing a voluntary estate procedure; establishing a curative section for actions against guardians; and repealing Sections 25-2, 25-15, 25-25 and 25-31, Wyoming Statutes 1957, and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Guardian May be Appointed; Definitions**

Section 1. The district court of each county, or the judge thereof, may appoint a guardian for the person and estate, or either of them, of mentally incompetent or incompetent persons who reside or have estates within the county, and who have no legally appointed guardian in this State. As used in this Act, "mentally incompetent person" shall mean an individual who is unable, unassisted, to properly manage and take care of himself or his property or both as the result of mental illness, mental deficiency or mental retardation; and "incompetent person" shall mean an individual who is unable, unassisted, to properly manage and take care of himself or his property as the result of the infirmities of advanced age, physical disability, disease, alcoholism or addiction to drugs.

**Who May File Petition; Contents**

Section 2. Any relative, friend or other interested party may file a petition alleging that a person is mentally incompetent or incompetent and unable to properly manage and take care of himself or his property or both and requesting that the petitioner or some other individual named therein, be appointed guardian of the person, or his estate, or both. The petitioner shall further set forth the petitioner's knowledge of the following matters:

(a) The names and residences of:

(i) the following relatives of the alleged incompetent or mentally incompetent person; the spouse and children, if any; if there be no spouse and children, then the parents, brothers and sisters; if there be no parents, brothers and sisters, then the nearest known relatives;

(ii) any persons having the care of the alleged incompetent person, including the head of any hospital or institution in which he may be a patient or otherwise in a custodial status.

(b) The extent of the estate of the alleged incompetent, both real and personal, including any rights to income from any source whatsoever.

#### **Exhibits to Accompany Petition**

**Section 3.** If the alleged incompetent person's presence at the hearing on the petition cannot be reasonably expected because of the condition of his health, or because he is a patient in a hospital or in the custody of a state institution, the petition shall be accompanied by:

(a) The written statements of a licensed physician and a court designated examiner, who is in no other manner, whatsoever, involved in the proceedings, that attendance at a hearing would be injurious to the health and well being of the alleged incompetent, and describing the medical condition of the person; or

(b) The written statement of the head of any state institution in which the person may be a patient or in custody stating that the person is unable to attend a hearing and reciting the reasons therefor.

#### **Hearing; Notice to Alleged Incompetent**

**Section 4.** (a) Upon filing of the petition, the court shall set a date for hearing and shall issue its order directed to the alleged incompetent person, setting forth the time and place of hearing the petition and ordering the alleged incompetent's presence at such hearing, unless his presence is excused by the court pursuant to the provisions of Section 3 of this Act.

(b) The order and a copy of the petition shall be personally served upon the incompetent either within or without the state by a person authorized by law to serve process. Return and proof of service shall be made in the same manner as is provided in the Wyoming Rules of Civil Procedure.

(c) If the order directs the attendance of the alleged incompetent at the hearing and he is not able to attend by reason of his physical inability, or if attendance would be injurious to his health and well being, such inability or harmful effect must be evidenced by a written statement as provided for in Section 3 of this Act.

#### **Appointment of Counsel, Guardian Ad Litem**

**Section 5.** (a) The court shall direct the clerk of the district court to give notice of the nature of the proceedings and of the time and place of the hearing to be served, either personally or by registered or certified mail, upon each of the persons named in the petition

at least 10 days before the time of hearing unless the time is shortened by the court for good cause shown. The court may order that similar notice be given to other persons in such manner as the court may direct.

(b) If the alleged incompetent does not have counsel of his own selection, the court may, in the exercise of its sound discretion, appoint legal counsel to represent him. Fees for such counsel shall be set by the court and shall be ordered paid from the estate of the incompetent, if there be an adjudication of incompetency. If there be no adjudication of incompetency, or if the incompetent has no estate, then the fees shall be paid from the appropriate fund of the county.

(c) In cases where counsel has been appointed to represent the alleged incompetent in judicial involuntary hospitalization proceedings and the alleged incompetent has not selected other counsel to represent him, the counsel so appointed shall also represent the alleged incompetent in the proceedings under this Act.

(d) If any of the relatives of the alleged incompetent named in such petition are minors and the court shall find that their interests are not adequately protected or represented, it shall appoint a guardian ad litem to represent such minors in the proceeding.

#### **Jury**

**Section 6.** Unless the court, in its discretion, deems it to be in the best interests of the alleged incompetent to have the question of the incompetency of said person determined by a jury selected in the manner prescribed in Subsection (i), Section 12, Chapter 188, Session Laws of Wyoming 1963, the petition shall be heard by the court without a jury, and the alleged incompetent and any friend, relative or attorney thereof may appear and oppose the petition. If, upon the hearing, the court finds by a preponderance of the evidence that the person in question is mentally incompetent or incompetent, the court shall appoint a guardian of his person and estate, or person or estate. The order appointing such guardian shall recite whether the person was found to be mentally incompetent or incompetent.

#### **Authority of Guardian**

**Section 7.** Every person who is appointed and qualifies as guardian of the person of the incompetent shall have the care and custody of his ward until legally discharged as guardian. Every person who is appointed and qualifies as guardian of the estate of the incompetent shall have the management of all of his estate within the State until legally discharged as guardian .

#### **Applicable Law**

**Section 8.** Guardians appointed pursuant to this Act shall be governed by the statutes of this State applicable to guardians and wards, except as may be otherwise provided herein.

#### **Conservator May be Institutions Head**

**Section 9.** If it shall appear that the estate of the ward requires no management by a guardian but consists primarily of income essential to the said person's subsistence and that the said person is

admitted to a public or private institution, the court may, in lieu of appointing a guardian, designate the superintendent or director of such institution to serve as conservator of such funds.

#### **Termination of Guardianship**

**Section 10.** (a) A person who has been found incompetent, or mentally incompetent, or his guardian, or a relative or friend, may petition the court in which the incompetency proceedings originated, to have his restoration to competency judicially determined and the guardianship terminated. Such petition shall allege that the person is able, unassisted, to properly manage and take care of himself or his property.

(b) Whenever a person previously adjudged mentally incompetent has been hospitalized in or committed to a public or private institution, or has received other treatment for mental illness or other incompetency, the petition shall be accompanied by an affidavit issued by the head of the hospital or other facility in which treatment was rendered, or by the licensed physician, or other qualified person administering treatment, setting forth the affiant's evaluation of the person's mental condition. If the affiant declares that in his opinion the person is free from mental illness, mental deficiency, or mental retardation to such a degree that such person is competent to manage himself, his property, or both, such affidavit shall be prima facie evidence of the mental competency of such person.

#### **Release from Institution**

**Section 11.** (a) In every case where an examination of an involuntarily hospitalized or committed mental incompetent establishes that the person is free from mental illness, mental deficiency or mental retardation to such an extent that such person is competent to manage his own property, the head of such institution shall prepare an affidavit;

(i) evaluating the person's condition,

(ii) declaring that in his opinion such person is competent to manage himself, his property, or both,

(iii) and file a copy with the district court having jurisdiction over the mental incompetent and mail a copy to the guardian.

(b) Upon receipt of such affidavit, the guardian shall forthwith petition the court for a judicial determination of the restoration to capacity of the person and for a termination of the guardianship.

(c) The affidavit of the head of the institution in such case shall be prima facie evidence of the mental competency of the person.

(d) Upon receiving the petition the court shall appoint a day for hearing the petition and shall cause notice of the hearing to be given to the guardian of the person, his spouse and children, if any, and if none, to his parents, brothers and sisters.

(e) At the hearing, the guardian or relative of the incompetent person, and in the discretion of the court, any other person may contest the petition. If it is found that the person is able, unassisted,

to properly manage and take care of himself or his property, his restoration to competency shall be adjudged and the guardianship shall be terminated.

(f) Upon termination, the guardian or conservator shall forthwith file with the court an accounting of the ward's estate for settlement and allowance and upon approval thereof, he shall be discharged.

#### **Joint Guardianship and Hospitalization Hearing**

**Section 12.** A petition for the appointment of a guardian for an alleged mentally incompetent person may be merged and heard simultaneously with a petition for the involuntary hospitalization of such person unless objected to by the alleged incompetent or his attorney. Whenever two such petitions are pending the court shall first determine the petition for involuntary hospitalization. Matters presented to the court in such a proceeding may be considered in the subsequent hearing upon the petition for the appointment of a guardian.

#### **Physician's Statement**

**Section 13.** Whenever any person shall file, with the district court of the county of his residence or if he is not a resident of this State in the county in which some part of his property is situated, a petition for the appointment of a guardian of his estate and when such petition is accompanied by a written statement signed by a licensed physician stating that by reason of the infirmities of advanced age, physical disability, disease, alcoholism or addiction to drugs, the petitioner is not able to properly manage, care for or conserve his estate, and if it appears in the best interests of the petitioner, the court shall appoint the party recommended in the petition or some other reputable individual as guardian of the estate of said petitioner.

#### **Restoration of Property Rights**

**Section 14.** The ward of a guardian appointed pursuant to the provisions of Section 13 of this Act may at any time file a petition requesting the restoration of his property rights. Upon receipt of such petition, the court shall request a report of the physician concerning the condition of the petitioner to handle his own affairs and after receipt thereof may terminate the guardianship and order the guardian to make his final accounting. In its discretion, the court may make such other order as it deems in the best interests of the petitioner.

#### **Proceedings Validated**

**Section 15.** Notwithstanding the failure of the court to make a judicial determination of the incompetency of the ward, all guardianships established by order of the district courts of this State and having been of record for at least two years, shall be fully legal, valid, binding and effectual for all purposes as if there had been included in the proceeding had in the first instance a proper finding of incompetency.

#### **Sections Repealed**

**Section 16.** Sections 25-2, 25-15, 25-25 and 25-31, Wyoming



Statutes 1957, are hereby repealed.

**Proceedings Preserved**

**Section 17.** Any proceeding heretofore commenced under any of the statutes repealed in Section 16 of this Act is hereby preserved and may be continued and concluded.

**Section 18.** That the effective date of this Act shall be March 1, 1965.

Approved March 1, 1965.

**CHAPTER 136**

Original Senate File No. 80

**SUPPLEMENTAL SUPPLY WATER RIGHTS**

AN ACT defining supplemental supply water rights, providing for allowance of supplemental supply permits or certificates of appropriation.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Definition; Permit or Appropriation Allowed; Conditions**

**Section 1.** A supplemental supply water right is defined as a permit or certificate of appropriation for the diversion, from a stream, of water from a new source of supply for application to lands for which an appropriation of water from a primary source already exists. Such supplemental supply permits or certificates of appropriation may be allowed by the State Engineer or the State Board of Control under such regulations or conditions as he or it may prescribe. The use and administration of presently existing rights for supplemental supply appropriations or rights for supplemental supply appropriations hereafter acquired shall hereafter be made upon the express condition that the total amount of water to be diverted at any one time both under a primary appropriation of water and a supplemental supply appropriation shall not be in excess of one cubic foot of water per second of time for each 70 acre tract so irrigated, except that when the right to divert water under the provisions of Sections 41-181 through 41-188, Wyoming Statutes 1957, is permitted the total amount of surplus water to be diverted at any one time both under a primary appropriation of water and a supplemental supply appropriation shall not be in excess of one cubic foot of water per second for each 70 acre tract so irrigated. Nothing herein shall be construed to apply to water stored under a reservoir permit.

Approved March 1, 1965.

**CHAPTER 137**

Original Senate File No. 101

**UNDERGROUND WATER — WELL LOCATION**

AN ACT to amend and re-enact Section 41-134 of Wyoming Statutes, 1957, relating to underground water; authorizing the State Engineer to grant approval to change well locations when the well in question has not been adjudicated and to make regulations; providing for an appeal; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**May be Changed; Appeal, Procedure**

**Section 1.** That Section 41-134, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(a) An appropriator of underground water may change the location of his well without loss of priority to a point within the same aquifer by securing approval of the state board of control if the ground water right has been adjudicated. If the right is not adjudicated, approval for the change in location may be granted by the State Engineer. The state board of control and the State Engineer are hereby authorized to make such regulations as may be necessary to carry out the provisions of this Section.

(b) Any person or persons feeling himself or themselves aggrieved by such action of the state board of control or the State Engineer may within six months from the date of such action by the state board of control or the State Engineer take an appeal to the District Court of the county within which the greatest use of water is made under such water rights. The procedure on appeal shall be in conformity with the provisions of Sections 41-76, 41-160, 41-193 to 41-196, inclusive, 41-198, 41-199, Wyoming Statutes, 1957. The Attorney General shall represent the state board of control or the State Engineer, in such proceedings.

**Section 2.** This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1965.

**CHAPTER 138**

Original Senate File No. 22

**WATER RIGHTS — CHANGE OF DIVERSION POINT**

AN ACT to provide for a procedure for making a change in the point of diversion or a change in the point of diversion and means of conveyance of appropriations of water, providing for the contents of petitions for such changes and for public hearings thereon and for appeal from actions by the State Board of Control or the State Engineer to the District Court of the county within which the greatest use of water is made under such water rights.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Petition to State Board of Control or State Engineer;  
Form and Contents; Hearing**

**Section 1.** (a) Any person, association or corporation having heretofore acquired a right to the beneficial use of the water of any stream in the State of Wyoming, either adjudicated or unadjudicated, who desire to change the point of diversion of his or their appropriation or the point of diversion and means of conveyance of such appropriation, shall petition therefor to the State Board of Control if the water right has been adjudicated, or to the State Engineer if the water right is unadjudicated.

(b) Petitions for change in point of diversion shall be in affidavit form and shall set forth the name and address of the petitioner, the name of the ditch, pipeline, or other facility, the stream from which water is appropriated, the date of priority and the amount of the appropriation to be changed, permit number, ownership of appropriation, and the location of the present and the proposed new point of diversion by course and distance from a corner of the public land survey. If for irrigation, petitions shall describe the acreage irrigated in each legal subdivision, the reason for the proposed change, and state whether any other appropriator from the same source will be injured in any way, and whether the consent of all owners of intervening diversions has been obtained. The petition shall be accompanied by satisfactory evidence of ownership of the appropriation to be changed.

(c) If the petition is for a change in point of diversion and means of conveyance for all or a part of an appropriation, it shall include, in addition to the foregoing, the name, permit number and date of priority of the ditch or facility to which it is to be changed, and whether the petitioner is the sole owner of both facilities involved or has the consent of the other owners of both ditches or facilities.

(d) Such petitions shall be accompanied by maps in duplicate, one of which shall be on tracing linen of a size required by the State Engineer and State Board of Control, prepared under certificate of a registered land surveyor, and showing accurately the location of the stream, the location of the ditch or ditches involved, location of any intervening diversions, and if for irrigation, the location of the lands changed or affected by such change.

(e) In event that written consents of owners of appropriations which divert between the old and new points of diversion or the owners of ditches or facilities involved in the proposed change are not secured and attached to the petition, the petition shall be referred to the Superintendent of the Water Division in which the change is proposed for a public hearing. Said Superintendent shall give thirty days' notice by registered mail of the time and place of the hearing to the petitioner and any owners of appropriations which divert between the old and new points of diversion and any owners or users of ditches or facilities to be affected by said change. The petitioner shall make the necessary arrangements to provide the Superintendent with a stenographic record of the proceedings which shall be transmit-

ted to the State Board of Control with his report thereon. The State Board of Control or the State Engineer may make such other regulations as may be found necessary. No such petition shall be granted unless the right of other appropriators shall not be injuriously affected thereby. Any person or persons feeling himself or themselves aggrieved by such action of the State Board of Control or the State Engineer may within six months from the date of such action by the State Board of Control or the State Engineer take an appeal to the District Court of the County within which the greatest use of water is made under such water rights. The procedure on appeal shall be in conformity with the provisions of Sections 41-193, 41-194, 41-195, 41-196, 41-198, 41-199, 41-76, and 41-160. The Attorney General shall in such area represent the State Board of Control or the State Engineer.

Approved March 1, 1965.

## CHAPTER 139

Original Senate File No. 125

### BOARD OF LAND COMMISSIONERS

AN ACT amending and re-enacting Section 36-87, Wyoming Statutes 1957, relating to the board of land commissioners, providing that leases may be signed by the commissioner, and prescribing a quorum.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Meetings; Signatures; Quorum Defined

Section 1. That Section 36-87, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

The board shall meet at least once in each month, at such time as the board may prescribe, for the transaction of business. The governor shall be president of the board, and it shall be his duty to sign all contracts, papers or documents that shall be approved, made or directed by the board. Provided, however, that all leases approved or directed to be entered into by the board of land commissioners may be signed for and on behalf of the State by the commissioner public lands. A majority of the board shall constitute a quorum for the transaction of any and all business; and in the absence of the governor, one of the other members may act as president pro tempore and may preside at such meeting.

Approved March 1, 1965.

**CHAPTER 140**

Original Senate File No. 71

**WYOMING URBAN RENEWAL ACT**

AN ACT concerning urban renewal and redevelopment authorizing municipalities to condemn for urban renewal purposes; providing for the creation of urban renewal agencies; and prescribing the powers of such agencies and of other public bodies with respect to exercise of urban renewal powers.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Short Title**

**Section 1.** This Act shall be known and may be cited as the "Wyoming Urban Renewal Act."

**Declaration of Concern, Policy**

**Section 2.** It is hereby found and declared that there exists in municipalities of the State slum and blighted areas (as herein defined) which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous municipal burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern.

It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this Act, since the prevailing conditions of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this Act, be susceptible to conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; and that salvageable slum and blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized, and the cooperation and voluntary action of the owners and tenants of property in such areas.

It is further found and declared that the powers conferred by this Act are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised; and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

**Definitions**

**Section 3.** The following terms wherever used or referred to in this Act, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(a) "Agency" or "Urban Renewal Agency" shall mean a public agency created by Section 37 of this Act.

(b) "Area of Operation" shall mean the area within the corporate limits of the municipality and the area within five (5) miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated city or town unless a resolution shall have been adopted by the governing body of such other city or town declaring a need therefor.

(c) "Blighted area" shall mean an area which by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout, in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessments, delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; provided, that if such blighted area consists of open land, the conditions contained in the proviso of Section 10 (d) shall apply; and provided further that any disaster area referred to in Section 13 shall constitute a "blighted area".

(d) "Bonds" shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(e) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(f) "Council" or "Commission" shall mean a council board, commission, department, division, office, body or other unit of the municipality.

(g) "Federal Government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(h) "Local governing body" shall mean the commission, council or other legislative body charged with governing the municipality.

(i) "Mayor" shall mean the mayor of a municipality or other officer or body having the duties customarily imposed upon the executive head of a municipality.

(j) "Municipality" shall mean any incorporated or chartered city or town as established under Wyoming Law.

(k) "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the municipality, property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the

Federal Government when it is a party to any contract with the municipality.

(l) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee or other person acting in a similar representative capacity.

(m) "Public body" shall mean the state, county, any municipality, board, commission, authority, district, or any other subdivision or public body of the State.

(n) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(o) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal and equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(p) "Slum area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or non-residential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health and is detrimental to the public safety, morals or welfare.

(q) "Urban renewal area" means a slum area or a blighted area or a combination thereof which the local governing body designates as appropriate for an urban renewal project.

(r) "Urban renewal plan" means a plan, as it exists from time to time, for any urban renewal project, which plan:

(i) shall conform to the general plan for the municipality as a whole, except as provided in Section 13, and shall be consistent with definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements; and

(ii) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land used, maximum densities, and building requirements.

(s) "Urban Renewal Project" may include undertakings and activities of a municipality in any urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

(i) acquisition of a slum area or a blighted area or portion thereof;

(ii) demolition and removal of buildings and improvements;

(iii) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this Act in accordance with the urban renewal plan;

(iv) disposition of any property acquired in the urban renewal area (including sale, initial leasing or retention by the municipality itself) at its fair value for uses in accordance with the urban renewal plan;

(v) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan; and

(vi) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.

#### **Preference to Private Enterprise**

**Section 4.** A municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this Act, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of the urban renewal area by private enterprise. A municipality shall give consideration to this objective in exercising its powers under this Act, including the formulation of a workable program, the approval of urban renewal plans and community-wide plans or programs for urban renewal and general neighborhood renewal plans (consistent with the general plan of the municipality), the exercising of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

#### **Combination of Private and Public Resources**

**Section 5.** A municipality for the purposes of this Act may formulate for the municipality a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of slum and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include without limitation, provision for: the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, re-



moving congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of slum and blighted areas or portions thereof.

#### **Petition**

**Section 6.** No municipality shall exercise the authority hereafter conferred upon municipalities by this Act until after the local governing body, on its own motion or by virtue of a petition signed by twenty-five (25) or more electors of the municipality, shall have adopted a resolution finding that:

(i) one or more slum or blighted areas exist in such municipality; and,

(ii) the rehabilitation, conservation, redevelopment, or a combination thereof of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

#### **Resolution of Governing Body**

**Section 7.** An urban renewal project for an urban renewal area shall not be planned or initiated unless the governing body has, by resolution, determined such area to be a slum area or a blighted area or a combination thereof and designated such area as appropriate for an urban renewal project. A municipality shall not acquire real property for any urban renewal project unless the local governing body has approved the urban renewal project in accordance with Section 10 hereof.

#### **Renewal Plan**

**Section 8.** The municipality may itself prepare or cause to be prepared by the urban renewal agency, established in Section 37 hereof, an urban renewal plan, or any person or agency, public or private, may submit such a plan to a municipality. Prior to its approval of an urban renewal project, the local governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban plan to the local governing body within thirty (30) days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or, if no recommendations are received within thirty (30) days, the local governing body may proceed with the hearing on the proposed urban renewal project in accordance with the provisions of Section 9 hereof.

#### **Hearing**

**Section 9.** The local governing body, under such rules or procedures as it shall determine, shall hold a public hearing on an urban renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality for two (2) successive weeks, the last publication thereof

at least five (5) days prior to said hearing. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.

#### **Findings of Governing Body**

**Section 10.** Following such hearing, the local governing body may approve an urban renewal project and the plan therefor if it finds that:

(a) a feasible method exists for the relocation of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

(b) the urban renewal plan conforms to the general plan of the municipality as a whole;

(c) the urban renewal plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the plan; and,

(d) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: provided that if the urban renewal area consists of an area of open land to be acquired by the municipality, such area shall not be so acquired unless:

(i) if it is to be developed for residential uses, the local governing body shall determine that shortage of housing of sound standards and design which is decent, safe, and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or

(ii) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this Act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

**Plan Modification**

**Section 11.** An urban renewal plan may be modified at any time; provided, that if modified after the lease or sale by the municipality of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

**Approval of Modification**

**Section 12.** Upon the approval by a municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

**Disaster Renewal**

**Section 13.** Notwithstanding any other provisions of this Act, where local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, tornado, earthquake, storm or other catastrophe respecting which the Governor of the State has certified the need for disaster assistance under Public Law 875, Eighty-first Congress, or other Federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to the provisions of Section 10 of this Act and the provisions of this Act requiring a general plan for the municipality and a public hearing on the urban renewal project.

**Powers of Municipality Enumerated**

**Section 14.** Every municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to others herein granted:

(a) to undertake and carry out urban renewal projects and related activities within its area of operation; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this Act; and to disseminate slum clearance and urban renewal information;

(b) to provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to Federal financial assistance and imposed pursuant to Federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of an urban renewal project, and related activities, and to include in any contract let in connection with such a project and related activities, provisions to fulfill such of said conditions as it may deem reasonable and appropriate;

(c) within its area of operation, to enter into any building or property in any urban renewal area in order to make inspection, suveys, appraisals, soundings or test boring, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain or otherwise, any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, clear or prepare for redevelopment any such property; to mortgage, pledge, hypothecate or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property; and to enter into any contracts necessary to effectuate the purposes of this Act; provided, however, that no statutory provision with respect to the acquisition, clearance or disposition of property by public bodies shall restrict a municipality or other public body exercising powers hereunder, in the exercise of such functions with respect to an urban renewal project and related activities, unless the legislature shall specifically so state;

(d) to invest any urban renewal project funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control, or to deposit in savings accounts in national or state banks; to redeem such bonds as have been issued pursuant to Section 20 of this Act at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled;

(e) to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public body, or from any sources, public or private, for the purposes of this Act, and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to any urban renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this Act;

(f) within its area of operation, to make or have made all surveys and plans necessary to the carrying out of the purposes of this Act and to contact with any person, public or private, in making and carrying out such plans and to adopt or approve, modify and amend such plans, which plans may include, but are not limited to:

- (i) a general plan for the locality as a whole,
- (ii) urban renewal plans,
- (iii) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements,
- (iv) plans for the enforcement of state and local laws, codes, ordinances, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and

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(a) to undertake and carry out urban renewal projects and related activities within its area of operation; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this Act; and to disseminate slum clearance and urban renewal information;

(b) to provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to Federal financial assistance and imposed pursuant to Federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of an urban renewal project, and related activities, and to include in any contract let in connection with such a project and related activities, provisions to fulfill such of said conditions as it may deem reasonable and appropriate;

(c) within its area of operation, to enter into any building or property in any urban renewal area in order to make inspection, surveys, appraisals, soundings or test boring, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain or otherwise, any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, clear or prepare for redevelopment any such property; to mortgage, pledge, hypothecate or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property; and to enter into any contracts necessary to effectuate the purposes of this Act; provided, however, that no statutory provision with respect to the acquisition, clearance or disposition of property by public bodies shall restrict a municipality or other public body exercising powers hereunder, in the exercise of such functions with respect to an urban renewal project and related activities, unless the legislature shall specifically so state;

(d) to invest any urban renewal project funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control, or to deposit in savings accounts in national or state banks; to redeem such bonds as have been issued pursuant to Section 20 of this Act at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled;

(e) to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public body, or from any sources, public or private, for the purposes of this Act, and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to any urban renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this Act;

(f) within its area of operation, to make or have made all surveys and plans necessary to the carrying out of the purposes of this Act and to contact with any person, public or private, in making and carrying out such plans and to adopt or approve, modify and amend such plans, which plans may include, but are not limited to:

- (i) a general plan for the locality as a whole,
- (ii) urban renewal plans,
- (iii) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements,
- (iv) plans for the enforcement of state and local laws, codes, ordinances, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and

(v) perform or contract the performance of appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities, and to develop, test and report methods and techniques, and carry out demonstrations and other activities for the prevention and the elimination of slums and urban blight.

(g) to prepare plans for and assist in the relocation of persons (including individuals, families, business concerns and others) displaced by an urban renewal project, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(h) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this Act, and to levy taxes and assessments for such purposes; to zone or rezone any part of the municipality or make exceptions from building regulations; and to enter into agreements with an urban renewal agency vested with urban renewal project power under Section 37 of this Act (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), respecting action to be taken by such municipality pursuant to any of the powers granted by this Act;

(i) to close, vacate, plan or replan streets, roads, sidewalks, ways or other places; and to plan or replan any part of the municipality;

(j) within its area of operation, to organize, coordinate and direct the administration of the provisions of this Act as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved and to establish new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively; and

(k) to exercise all or any part or combination of powers herein granted.

#### **Condemnation by Municipality**

**Section 15.** (a) A municipality shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for or in connection with an urban renewal project under this Act. A municipality may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to the United States, the State, or any political subdivision of the State, may be acquired without its consent.

(b) In any proceeding to fix or assess compensation for damages for the taking or damaging of property, or any interest therein, through the exercise of the power of eminent domain or condemnation,

evidence or testimony bearing upon the following matters shall be admissible and shall be considered in fixing such compensation or damages, in addition to evidence or testimony otherwise admissible:

(i) any use, condition, occupancy, or operation of such property, which is unlawful or violative of or subject to elimination, abatement, prohibition or correction under any law or any ordinance or regulatory measure of the State, County, municipality, other political subdivisions, or any agency thereof, in which such property is located, as being unsafe, substandard, unsanitary or otherwise contrary to the public health, safety or welfare;

(ii) the effect on the value of such property of any such use, condition, occupancy or operation, or of the elimination, abatement, prohibition or correction of any such use, condition, occupancy or operation.

(c) The foregoing testimony and evidence shall be admissible notwithstanding that no action has been taken by any public body or public office toward the abatement, prohibition, elimination or correction of any such use, condition, occupancy or operation. Testimony or evidence that any public body or public office charged with the duty or authority so to do has rendered, made or issued any judgment, decree, determination or order for the abatement, prohibition, elimination or correction of any such use, condition, occupancy or operation shall be admissible and shall be prima facie evidence of the existence and character of such use, condition or operation.

### **Real Property Transactions**

**Section 16.** A municipality may sell, lease or otherwise transfer real property or any interest therein acquired by it in an urban renewal project and may enter into contracts with respect thereto, in an urban renewal area for residential, recreational, commercial, industrial, educational, or other uses or for public use, or may retain such property or interest for public use in accordance with the urban renewal plan subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of the Act; provided that such sale, lease, other transfer or retention, and any agreement relating thereto, may be made only after the approval of the urban renewal plan by the local governing body. The purchasers or lessees and their successors and assigns shall be obliged to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan; provided, that with respect to any real property in an urban renewal area acquired by any public body, political subdivision, agency or office of the State for uses in accordance with an urban renewal plan, such public body, political subdivision, agency or office of the State is hereby authorized to obligate itself and its successors or assigns to devote such real property only to the uses specified in the urban renewal plan and, to the extent funds have been authorized or appropriated, to obligate itself to begin improvements required by



the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, a municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon and the conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be chaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by a municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan shall be recorded in the land records of the County in such manner as is provided by law to afford actual or constructive notice thereof.

#### **Notice Before Sale**

**Section 17.** A municipality may dispose of real property in an urban renewal area to private persons only under such reasonable procedures as it shall prescribe or as hereinafter provided in this Section. A municipality may, by public notice by publication once each week for four (4) consecutive weeks in a newspaper having a general circulation in the community, prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this Section, invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within thirty (30) days after the last day of publication of said notice, and that further information as is available may be obtained at such office as designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons making such proposals. The municipality may accept such proposals as it deems to be in the public interest and in furtherance of the purposes of this Act; provided that a notification of intention to accept such proposal shall be filed with the governing body not less than thirty (30) days prior to any such acceptance. Thereafter the municipality may execute such contract and deliver deeds, leases and other instruments and take all steps necessary to effectuate such contract, all in accordance with the provisions of Section 16 hereof.

#### **Operation of Property Pending Disposition**

**Section 18.** A municipality may temporarily operate and main-

tain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this Act, without regard to the provisions of Section 16 above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

#### **Federal Area Redevelopment Act Property**

**Section 19.** Notwithstanding any other provisions of this Act, where the municipality is situated in an area designated as a redevelopment area under the Federal Area Redevelopment Act (Public Law 87-27), land in an urban renewal project area designated under the urban renewal plan for industrial or commercial uses may be disposed of to any public body or non-profit corporation for subsequent disposition as promptly as practicable by the public body or corporation for redevelopment in accordance with the urban renewal plan, and only the purchaser from or lessee of the public body or corporation, and their assignees, shall be required to assume the obligation of beginning the building of improvements within a reasonable time. Any disposition of land to a public body or corporation under this Subsection shall be made at its fair value for uses in accordance with the urban renewal plan.

#### **Urban Renewal Bonds**

**Section 20.** A municipality shall have power to issue bonds from time to time in its discretion to finance the undertaking of any urban renewal project under this Act, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans, or preliminary loans, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely upon the income, proceeds, revenues and funds of the municipality at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

#### **Division of Taxes in Renewal Area**

**Section 21.** Any urban renewal plan may contain a provision that taxes, if any, levied upon taxable property in an urban renewal project each year by or for the benefit of a municipality in the State of Wyoming shall be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the urban renewal project as shown upon the assessment roll used in connection with the taxation of such property, by such taxing agency, last equalized prior to the effective date of such urban renewal project shall be allocated to and when collected, shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies, on all other property are paid (for the purpose of allocating taxes by or for any taxing agency which did not include the territory in the urban renewal project on the effective date of such project but which such territory had been annexed or otherwise included after such effective date, the assessment of the county last

equalized on the project shall be used in determining the assessed valuation on the taxable property in the project on the effective date), and

(b) That portion of the levied taxes each year in excess of each amount shall be allocated to and when collected, shall be paid into a special fund of the participating municipality or urban renewal agency to pay the principal and interest on loaned money advanced to, or indebtedness (whether funded, refunded, assessed or otherwise) incurred by such municipality or urban renewal agency. Unless or until the total assessed valuation of the taxable property in an urban renewal project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment role referred to in (a) hereof, all of the taxes levied upon and collected upon the taxable property in such urban renewal project shall be paid into the funds of the respective taxing agencies. When such loans, advances and indebtedness, if any, and interest have been paid in full, all moneys thereafter received from taxes upon the taxable property in such urban renewal project shall be paid into the funds of the various taxing agencies as taxes on all other property are paid.

#### **Pledged Taxes**

**Section 22.** In any urban renewal plan or in proceedings for the advance of moneys or making of loans or the incurring of any indebtedness (whether funded, refunded, assessed or otherwise) by the municipality or agency to finance or refinance in whole or in part to the urban renewal project, the portion of the taxes mentioned in (b) paragraph, Section 21 of this Act may be irrevocably pledged for the payment of the principal of and interest on such loans, advances or indebtedness.

#### **Characteristics of Bonds**

**Section 23.** Revenue bonds issued under this Act shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under the provisions of this Act are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

#### **Bond Resolution; Description**

**Section 24.** Bonds issued under this Act shall be authorized by resolution or ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding six per centum (6%) per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by such resolution or ordinance or trust indenture or mortgage issued pursuant thereto.

**Sale of Bonds**

**Section 25.** Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area of operation and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided that such bonds may be sold to the Federal Government at a private sale at not less than par, and, in the event less than all of the authorized principal amount on such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality or not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

**Signatures**

**Section 26.** In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this Act shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding any bonds issued pursuant to this Act shall be fully negotiable.

**Recitation on Bond to be Conclusive**

**Section 27.** In any suit, action or proceeding involving the validity or enforceability of any bond issued under this Act or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this Act.

**Bond Vote; Description of Bonds**

**Section 28.** Bonds issued by a municipality under this Act shall be authorized by resolution or ordinance of the local governing body and shall be approved by a vote of the people residing in the issuing governmental unit in accordance with provisions of Sections 22-130 to 22-139, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 166, Session Laws of Wyoming 1963. They shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding six per centum (6%) per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by such resolution or ordinance or trust indenture or mortgage issued pursuant thereto.

**Who May Invest; Conditions**

**Section 29.** All banks, trust companies, bankers, savings banks

and institutions, building and loan association, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations and other persons carrying on an insurance business; and all executors, administrators, curators, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a municipality pursuant to this Act provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, moneys in an amount which (together with any other money irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this Section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this Section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

#### **Property Exempt from Levy and Sales**

**Section 30.** All property of a municipality or agency, including funds owned or held by it for the purposes of this Act, shall be exempt from levy and sale by virtue of any execution, and no execution or other judicial process shall issue against the same nor shall judgment against a municipality or agency be a charge or lien upon such property; provided, however, that the provisions of this Section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this Act by a municipality or agency on its rents, fees, grants or revenues from urban renewal projects.

#### **Property Exempt from Taxation**

**Section 31.** The property of a municipality or agency acquired or held for the purposes of this Act, is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes of the municipality, the county, the state or any political subdivision thereof; provided that such tax exemption shall terminate when the municipality or agency sells, leases or otherwise disposes of such property in any urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

#### **General Powers of Public Body**

**Section 32.** For the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project and related activi-

ties authorized by this Act located within the area in which it is authorized to act, any public body or municipality may, upon such terms, with or without consideration as it may determine:

(a) dedicate, sell, convey or lease any of its interest in any property or grant easements, licenses or other rights or privileges therein to a municipality;

(b) incur the entire expense of any public improvements made by such public body in exercising the powers granted in this Section;

(c) do any and all things necessary to aid or cooperate in the planning or carrying out of an urban renewal plan;

(d) lend, grant or contribute funds to a municipality;

(e) enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with the Federal Government or with a municipality, or other public body respecting action to be taken pursuant to any of the powers granted by this Act, including the furnishing of funds or other assistance in connection with an urban renewal project and related activities; and

(f) borrow money and apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the state, county or other public body or from any other sources; and

(g) cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, sidewalks, ways or other places; plan or replan, zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the municipality. If at any time title to or possession of any urban renewal project is held by any public body or governmental agency, other than the municipality which is authorized by law to engage in the undertaking, carrying out or administration of urban renewal projects and related activities (including any agency or instrumentality of the United States of America), the provisions of the agreements referred to in this Section shall inure to the benefit of and may be enforced by such public body or governmental agency. As used in this Section, the term "municipality" shall also include an urban renewal agency vested with all of the urban renewal project powers pursuant to the provisions of Section 36 of this Act.

#### **Sale of Property by Public Body**

**Section 33.** Any sale, conveyance, lease or agreement provided for in Section 3 hereof may be made by a public body without appraisal, public notice, advertisement or public bidding.

#### **Constitutional and Statutory Limitations on Bonds**

**Section 34.** For the purposes of this Act or the purposes of aiding in the planning, undertaking or carrying out of any urban

renewal project and related activities of a municipality or its agency, such municipality may (in addition to any authority to issue bonds pursuant to Section 20 of this Act, issue and sell its general obligation bonds. Any bonds issued by a municipality pursuant to this Section shall be issued in the manner and within the limitations prescribed by the constitution and the applicable laws of this State for the issuance and authorization of general obligation bonds by such municipality. Nothing contained in this Section shall limit or otherwise adversely affect any other Section of this Act.

#### **Presumption of Proper Execution**

**Section 35.** Any instrument executed by a municipality and purporting to convey the right, title or interest in any property under this Act shall be conclusively presumed to have been executed in compliance with the provisions of this Act insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

#### **Urban Renewal Agency may be Created; Powers**

**Section 36.** A municipality may itself exercise its urban renewal powers (as herein defined) or may, if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the Urban Renewal Agency (created by Section 37). In the event the local governing body makes such determination, the urban renewal agency shall be vested with all of the urban renewal powers in the same manner as though all such powers were conferred on such agency instead of the municipality. If the local governing body does not elect to make such determination, the municipality in its discretion may exercise its urban renewal powers through a board or commissioner or through such officers of the municipality as the local governing body may by resolution determine.

(a) As used in this Section, the term "urban renewal powers" when applied to their exercise by the Urban Renewal Agency, shall include the rights, powers, functions and duties of a municipality set forth in this Act, except the following:

(i) The determination of an area to be a slum or blighted area or combination thereof and the designation of an area as appropriate for an urban renewal project.

(ii) Approval of urban renewal plans and modifications thereof.

(iii) General neighborhood renewal plans and community wide plans or programs for urban renewal.

(iv) Establishment of a general plan for the locality as a whole.

(v) The power to formulate a workable program under Section 6.

(vi) The acquisition, demolition, removal or disposal of property as provided in Section 15 (a) hereof.

**Organization of Agency; Commissioners**

**Section 37.** (a) There is hereby created in each municipality a public body corporate and politic to be known as the "Urban Renewal Agency" of the municipality:

(i) Provided, however, that such agency shall not exercise its powers hereunder until or unless the local governing body has made the finding prescribed in Section 6 of this Act and has elected to have urban renewal powers exercised by an urban renewal agency as provided in Section 36 of this Act.

(b) The mayor, by and with the consent and advice of the local governing body shall appoint a Board of Commissioners of the urban renewal agency which shall consist of five (5) commissioners selected on the basis of their interest in and knowledge of community planning, urban renewal and business management. The original appointment of members of the Board of Commissioners shall be for a period as follows: One for a term of one (1) year; and one for a term of two (2) years; one for a term of three (3) years; one for a term of four (4) years, and one for a term of five (5) years; and thereafter, as the respective terms expire, each appointment shall be for a term of five (5) years, said appointments to be valid even though they continue for longer than the term of the mayor in office.

(c) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expense, including traveling expenses incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality and such certificate shall be conclusive evidence of the due and proper appointment of any commissioner.

(d) No commissioner or other officer of any Urban Renewal Agency, board or commission exercising powers pursuant to this Act shall hold any other public office under the municipality other than his commissionership or office with respect to such Urban Renewal Agency board or commission.

The powers of an Urban Renewal Agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the by-laws shall require a larger number. Any person may be appointed as commissioner if he resides within the area of operation of the agency (which shall be coterminous with the area of operation of the municipality) and are otherwise eligible for such appointments under this Act.

The mayor shall designate a chairman and vice-chairman from among the commissioners. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require and determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers



under this Act shall file with the local governing body on or before May 31 of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the clerk of the municipality and in the office of the agency.

(e) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed only after a hearing and after he shall have been given a copy of the charges at least ten (10) days prior to such hearing and has had an opportunity to be heard in person or by counsel.

#### **Insider Transactions; Disclosure**

**Section 38.** No public official or employee of a municipality (or board of commission thereof), and no commissioner or employee of an urban renewal agency which has been vested by a municipality with urban renewal project powers under Section 36 of this Act shall voluntarily acquire any personal interest, direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project of such municipality or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body. If any such official commissioner or employee presently owns or controls, or owned or controlled within the preceding two (2) years, any interest, directly or indirectly, in any property which he knows is included or planned to be included in any urban renewal project, he shall immediately disclose this fact in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body, and any such official, commissioner or employee shall not participate in any action by the municipality (or board of commission thereof), or urban renewal agency affecting such property. Any disclosure required to be made by this Section to the local governing body shall concurrently be made to an urban renewal agency which has been vested with urban renewal project powers by the municipality pursuant to the provisions of Section 36 of this Act. Any violation of the provisions of this Section shall constitute misconduct in office.

Approved March 1, 1965

**NOTE:** In a letter dated March 2, 1965, transmitting this Chapter to the Secretary of State, the Governor recommended that any authority implementing the provisions of this Act take the steps indicated in Section 33 to better protect the public interest, even though appraisal, public notice, advertisement, or public bidding is not required.

**CHAPTER 141**

Original Senate File No. 90

**INSURANCE COMPANIES—INTERNAL ORGANIZATION**

AN ACT amending and re-enacting Section 26-16, Wyoming Statutes 1957, pertaining to the procedure of increasing or decreasing the capital stock, increasing or decreasing the number of directors, and changing the corporate name of certain insurance companies, providing that the procedure to be used shall be the same as prescribed by the Wyoming Business Corporation Act; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Business Corporation Act to Control Capital Stock, Directors, Corporate Name, etc.; Procedure**

**Section 1.** That Section 26-16, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Whenever any company, organized under this chapter with less than the maximum capital stock limited by Section 3 hereof shall, in the opinion of the directors thereof, require an increased amount of capital stock they shall, if authorized by the holders of a majority of the stock to do so, file with the insurance commissioner a certificate setting forth the amount of such desired increase, not exceeding said maximum, and thereafter such company shall be entitled to have the increased amount of capital stock as fixed by said certificate, and whenever any company, organized under this chapter with more than the minimum capital stock required by the laws of this State shall, in the opinion of the directors thereof, require a reduction in the amount of its capital stock, they shall, if authorized by the holders of a majority of the stock to do so, file with the insurance commissioner a certificate setting forth the amount of such desired reduction, not exceeding the minimum required by the laws of this State, and thereafter such company shall be entitled to have the increased or decreased amount of capital stock fixed by said certificate, and the examination of securities composing the capital stock thus increased or decreased, as the case may be, shall be made in the same manner, as is provided by Section seven of this Act for the capital stock first paid in: Provided, that no change in the amount of any life insurance company incorporated under the laws of this State shall be made in its charter, articles of incorporation or capital stock without expressed authority granted in writing by the insurance commissioner. Any company, organized under this chapter, may change its corporate name, or increase or decrease the number of its directors to not more than twenty-one, nor fewer than five, if authorized by the holders of a majority of its stock so to do: Provided, that the procedure, as to notice, meeting of stockholders and certification of proceedings required for any such increase or decrease of capital stock, change of corporate name, or increase or decrease in the number of directors of any such company shall be the same as is prescribed by the Wyoming Business Corporation Act.

**Section 2.** This Act shall be in force from and after its passage and approval.

Approved March 1, 1965

**CHAPTER 142**

Original Senate File No. 167

**INSURANCE COMPANIES—INCORPORATION**

AN ACT amending and re-enacting Section 26-6, Wyoming Statutes 1957, relating to the inapplicability of the general corporation laws of the State, and providing that all insurance companies having capital stock, heretofore or hereinafter incorporated under the laws of the State, shall be deemed to be incorporated under the general corporation laws of the State, and shall be entitled to all of the benefits thereunder.

*Be It Enacted by the Legislature of the State of Wyoming:*

**General Corporation Laws to Apply; Exceptions**

**Section 1.** That Section 26-6, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

All insurance companies doing business in this State must comply with the provisions of Subsection (k), Section 99, Chapter 85, Session Laws of Wyoming 1961, as to the acceptance of the constitution. All insurance companies having capital stock, heretofore or hereafter incorporated under the laws of this State, shall be deemed to be incorporated under the general corporation laws of this State, and shall be entitled to all of the benefits thereunder; provided, that, excepting any provision of existing insurance laws which may purport to prescribe the law under which insurance companies may be or have been incorporated, no law or provision of law specially or expressly applicable to insurance companies or the business of insurance shall be in any wise repealed, modified, or affected by this Section. The general corporation laws of this State shall have no application to foreign insurance corporations subject to the provisions of this Act.

Approved March 1, 1965

**CHAPTER 143**

Original Senate File No. 124

**FARM LOAN BOARD—QUORUM**

AN ACT amending and re-enacting Section 11-617, Wyoming Statutes 1957, relating to the farm loan board, providing that a majority will constitute a quorum and that an affirmative vote of three members is necessary to approve a loan.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Quorum Defined; Vote Needed for Action; Records**

**Section 1.** That Section 11-617, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

A majority of the board shall constitute a quorum, but no loan shall be made except upon the affirmative vote of not less than three of the members and the records of the meeting shall show which members voted to approve the loan.

Approved March 1, 1965

**CHAPTER 144**

Original Senate File No. 78

**BOND ELECTIONS**

AN ACT amending and re-enacting Section 26, Chapter 188, Session Laws of Wyoming 1959, relating to the resolution and election prerequisite to issuance of general obligation bonds, and providing that such bonds or evidences of indebtedness shall also have been approved when no ballots are cast in one of the ballot boxes and a majority of the ballots in the other ballot box favor the issuance of such bonds or other evidences of indebtedness; and amending and re-enacting Section 28, Chapter 188, Session Laws of Wyoming 1959, relating to the manner of approval of the issuance of revenue bonds or other like securities for the purpose of acquiring or improving water or sewer systems or other income-producing projects, and providing that such issuance shall also have been approved when no ballots are cast in one box and a majority of the ballots in the other ballot box favor the issuance of such bonds.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Resolution, Election is Condition to Issue**

Section 1. That Section 26, Chapter 188, Session Laws of Wyoming 1959, is amended and re-enacted to read as follows:

No bonds or other evidences of indebtedness payable in whole or in part from the proceeds of general (ad valorem) property taxes or to which the full faith and credit of a district are pledged, shall be issued, except in pursuance of a resolution, nor until the question of their issuance shall at a special or biennial election be submitted to a vote of the electors and approved by a majority of the qualified taxpaying electors voting on the question and by a majority of other qualified electors voting thereon, or, if no ballots are cast in one of the ballot boxes and a majority of the ballots in the other ballot box favor the issuance of such bonds or other evidences of indebtedness, approved either by a majority of the qualified taxpaying electors voting thereon or by a majority of the other qualified electors voting thereon, as the case may be, in the manner provided by Sections 22-130 to 22-139, Wyoming Statutes 1957, as from time to time amended.

**Water, Sewer System Bonds; Conditions**

Section 2. That Section 28, Chapter 188, Session Laws of Wyoming 1959, is amended and re-enacted to read as follows:

A district in pursuance of a resolution may borrow money, issue bonds, or otherwise extend its credit for the purpose of acquiring or improving a water or sewer system, or other income producing project; provided that the bonds or other obligations shall be made payable solely out of the net revenues derived from the operation of such system or other such project; and such systems and projects may be combined, operated and maintained as joint systems or projects, in which case such bonds or other obligations shall be made payable solely out of the net revenues derived from the operation of such joint systems or projects. No revenue bonds or other like securities shall be issued unless the issuance thereof has been submitted to a vote of the electors and approved by a majority of the qualified taxpaying electors voting on the question and by a majority of other

qualified electors voting thereon, or, if no ballots are cast in one of the ballot boxes and a majority of the ballots in the other ballot box favor the issuance of such bonds or other like securities, approved either by a majority of the qualified taxpaying electors voting thereon or by a majority of the other qualified electors voting thereon, as the case may be, in the manner provided by Sections 22-130 to 22-139, Wyoming Statutes 1957, as from time to time amended.

Approved March 1, 1965

## CHAPTER 145

Original Senate File No. 77

### MUNICIPAL BOND ELECTIONS

AN ACT to amend and re-enact Section 22-134, Wyoming Statutes 1957, relating to the canvassing and recording of ballots cast in municipal bond elections, and the determination of results therein, and providing that if no ballots are cast in one of the ballot boxes and a majority of the ballots in the other ballot box favor the issuance of such bonds, the proposal to issue such bonds shall have carried.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Procedure for Canvassing Votes; Results

Section 1. That Section 22-134, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Immediately after the closing of the polls the election officers shall proceed to canvass the ballots in ballot box "A", and at the conclusion of such canvass shall then proceed to canvass the ballots in ballot box "B". Separate and distinct records shall be made of the canvass of each box and the results disclosed by such canvass shall be certified by the election officers to the authorities who made the proposal to issue the bonds. If the majority of the ballots in each box is in favor of the issuance of the bonds, or if no ballots are cast in one of the ballot boxes and a majority of the ballots in the other ballot box favor the issuance of such bonds, the proposal to issue said bonds shall have carried, and the proper officers of the state or municipality shall in the manner now provided by law proceed to complete the printing, execution, advertising and sale of said bonds. If the majority of the ballots in either of said boxes is against the issuance of said bonds the proposal to issue said bonds shall have failed, and said proper officers shall proceed no further with the printing, execution, advertisement or sale of said bonds.

Approved March 1, 1965

**CHAPTER 146**

Original Senate File No. 29

**LIBRARY OF WATER RESOURCES**

AN ACT establishing a library of water resources in the office of the state engineer; prescribing the duties and responsibilities of the state engineer in connection therewith; and requiring the staff of the Wyoming State Library to assist in the same.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Library to be in Office of State Engineer**

Section 1. There is hereby established a library of water resources which shall be kept in the office of the state engineer.

**Contents of Library**

Section 2. It shall be the duty and responsibility of the state engineer to collect and obtain copies of all books, technical reports, articles, pamphlets, research studies and other information presently in the possession of the Wyoming State Library, University of Wyoming Library and other state agencies, which pertain to the water resources of the State of Wyoming, and to make the same a part of said library of water resources.

**Assistance in Maintaining Library**

Section 3. The staff of the Wyoming State Library shall render such assistance to the state engineer as he may request in locating, collecting and cataloguing the data and duplicate indexes shall be maintained in both the state engineer's office and the Wyoming State Library.

Approved March 1, 1965

**CHAPTER 147**

Chapter Senate File No. 11

**MILITARY FISHING LICENSES**

AN ACT amending and re-enacting Subsection (C), Section 23-86, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 162, Session Laws of Wyoming 1961, relating to the issuance of resident fishing licenses to persons in the armed forces of the United States, providing for a resident military fishing license.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Personnel Entitled to Resident Permit; Conditions**

Section 1. That Subsection (C), Section 23-86, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 162, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

Any citizen of the United States, residing or stationed in the

State of Wyoming, or on any reservation within the boundaries of the State of Wyoming, for at least one year immediately prior to date of making application for fish or game license or permit shall be entitled to a resident hunting or fishing license or permit as provided herein. Any member of the armed forces of the United States on active duty for a period of more than thirty days at an installation or facility within the boundaries of the State of Wyoming shall be entitled to a resident military hunting license or permit, and any member of the armed forces of the United States, on reporting to his installation or facility within the boundaries of Wyoming under competent orders for active duty or active duty for training to last for a period of more than thirteen (13) days, shall be entitled to a resident military fishing license or permit, with the following two restrictions: 1. The Game and Fish Commission, in its discretion, shall designate the area or areas within which such military hunting and/or fishing licenses or permits shall be valid and the area or areas shall be stamped on each license or permit. 2. The Game and Fish Commission shall issue no military resident license or permit for the hunting of moose or mountain sheep. Any person above the age of fourteen years, who is not entitled to resident licenses, as herein provided, but who has complied with other requirements hereof, and of the Commission for the pursuit, capture or killing of the game animals, game birds and game fish of the State of Wyoming, shall be entitled to non-resident licenses or permits provided for herein provided, however, the landowner's coupon on these gratuitous permits be stamped "Non-Redeemable".

Approved March 1, 1965

## CHAPTER 148

Original Senate File No. 113

### SCHOOL TRUSTEES

AN ACT authorizing boards of trustees of community colleges and junior colleges to employ and compensate attorneys, and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **May Retain Attorneys; Compensation**

**Section 1.** The boards of trustees of community colleges and junior colleges are authorized to employ and retain attorneys to represent them; the compensation for such services to be paid from the available funds of the employing district or college.

**Section 2.** This Act shall take effect upon its passage and approval.

Approved March 1, 1965

**CHAPTER 149**

Original Senate File No. 79

**BOUNDARY OF LINCOLN AND TETON COUNTIES**

AN ACT amending and re-enacting Section 18-14, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 106, Sessions Laws of Wyoming 1963, relating to the boundaries of Lincoln County, providing a change therein; amending and re-enacting Section 18-22, Wyoming Statutes 1957, relating to the boundaries of Teton County, providing a change therein.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Description of Lincoln County**

Section 1. That Section 18-14, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 106, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

All that portion of the State of Wyoming embraced within the following described boundaries shall be known as Lincoln County:

Beginning at the north one-quarter corner of section three (3), township eighteen (18) north, range one hundred twelve (112) west; thence west along the township line between townships eighteen (18) and nineteen (19) north to the intersection of the said township line with the western boundary of the State of Wyoming; thence north along said western boundary of the State of Wyoming to the intersection of said boundary with the township line between township thirty-eight (38) north and township thirty-nine (39) north; thence east along the township line between township thirty-eight (38) and township thirty-nine (39) north to the southeast corner of section thirty-six (36), township thirty-nine (39) north, range one hundred eighteen (118) west; thence south along the range line to the southwest corner of section thirty (30), township thirty-nine (39) north, range one hundred seventeen (117) west; thence east along the section lines to the southeast corner of section twenty-five (25), township thirty-nine (39) north, range one hundred seventeen (117) west unsurveyed; thence south to the southwest corner of section nineteen (19), township thirty-eight (38) north, range one hundred sixteen (116) west (unsurveyed); thence east six miles to the southwest corner of section nineteen (19), township thirty-eight (38) north, range one hundred fifteen (115) west; thence east along section lines to the southeast corner of section twenty-four (24), township thirty-eight (38) north, range one hundred fifteen (115) west; thence south along the range line between ranges one hundred fourteen (114) and one hundred fifteen (115) west to the southwest corner of section thirty-one (31), township thirty-seven (37) north, range one hundred fourteen (114) west; thence west along the section lines to the northwest corner of section four (4), township thirty-six (36) north, range one hundred fifteen (115) west; thence south along section lines to the southwest corner of section thirty-three (33), township thirty-six (36) north, range one hundred fifteen (115) west; thence west along the section lines to the northwest corner of section four (4), township thirty-five (35) north, range one hundred fifteen (115) west; thence south along section lines to the southwest corner of section thirty-three (33), township thirty-three (33) north, range one hun-



dred fifteen (115) west; thence west along the township line between townships thirty-three (33) and thirty-two (32) north to the southwest corner of section thirty-one (31), township thirty-three (33) north, range one hundred fifteen (115) west; thence due south to a point on the projection of the township line between townships thirty-one (31) and thirty-two (32) north; thence east along said projected township line to the northwest corner of section six (6), township thirty-one (31) north, range one hundred fifteen (115) west; thence south along the range line between ranges one hundred fifteen (115) and one hundred sixteen (116) west to the southwest corner of section thirty-one (31), township twenty-nine (29) north, range one hundred fifteen (115) west; thence along the township line between townships twenty-eight (28) and twenty-nine (29) north to the northwest corner of section six (6), township twenty-eight (28) north, range one hundred fifteen (115) west; thence south along the range line between ranges one hundred fifteen (115) and one hundred sixteen (116) west to the southwest corner of section thirty-one (31), township twenty-seven (27) north, range one hundred fifteen (115) west; thence east along the township line between townships twenty-six (26) and twenty-seven (27) north to the northeast corner of section five (5), township twenty-six (26) north, range one hundred eleven (111) west; thence south along section lines to the southeast corner of section thirty-two (32), township twenty-five (25) north, range one hundred eleven (111) west; thence along the sixth (6th) standard parallel to the north one-quarter corner of section six (6), township twenty-four (24) north, range one hundred eleven (111) west; thence south through the centers of sections and through one-quarter corners to the south one-quarter corner of section thirty-one (31), township twenty-one (21) north, range one hundred eleven (111) west; thence along the fifth (5th) standard parallel to the north one-quarter corner of section three (3), township twenty (20) north, range one hundred twelve (112) west; thence south through the centers of sections and through one-quarter corners to the point of beginning.

#### **Description of Teton County**

**Section 2.** That Section 18-22, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

All that portion of the State of Wyoming embraced within the following described boundaries shall be known as Teton County:

Beginning at the point where 44° 40' parallel of north latitude intersects the Wyoming-Idaho boundary line, thence east along said parallel of latitude to the 110° 40' meridian of west longitude from Greenwich, thence south along said meridian to parallel 44° 35' of north latitude, thence east along said parallel to the middle of the main channel of the Yellowstone River, thence southerly following the center line of the main channel of the Yellowstone River to the point where the Yellowstone River flows from the Yellowstone Lake; thence southerly following the east shore line of Yellowstone Lake to the mouth of Yellowstone River; thence southeasterly following the center line of the main channel of the Yellowstone River to intersect the southern boundary of Yellowstone National Park; thence east along the southern boundary of the Yellowstone National Park to a point where the continuation of the section line between sections 33 and 34, township

45 north, range 110 west, intersects said southern boundary; thence south along section lines to the southeast corner of section 33, township 45 north, range 110 west; thence along the 11th standard parallel to the northeast corner of section 4, township 44 north, range 110 west; thence south along section lines to the southeast corner of section 33, township 41 north, range 110 west; thence west along the township line between townships 40 and 41 north, to the north one-quarter corner of section 4, township 40 north, range 110 west; thence south through the one-quarter corners to the south one-quarter corner of section 33, township 40 north, range 110 west; thence west along the township line between townships 39 and 40 north to the southeast corner of section 36, township 40 north, range 113 west; thence south along the range line between ranges 112 and 113 to the southeast corner of section 36, township 39 north, range 113 west; thence west along the township line between townships 38 and 39 north, to the southeast corner of section 36, township 39 north, range 115 west; thence south along the range line between ranges 114 and 115 to the southeast corner of section 24, township 38 north, range 115 west; thence west along the section lines to the southwest corner of section 19, township 38 north, range 116 west; thence north along the section line to the southeast corner of section 25, township 39 north, range 117 west; thence west along the section lines to the southwest corner of section 30, township 39 north, range 117 west; thence north along the township line to the southeast corner of section 36, township 39 north, range 118 west; thence west along the township line between townships thirty-eight (38) and thirty-nine (39) north to an intersection with the Wyoming-Idaho boundary line; thence north along said boundary line to the point of beginning.

Approved March 1, 1965

## CHAPTER 150

Original Senate File No. 132

### MINERAL LEASES

AN ACT amending and re-enacting Section 36-74, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 98, Session Laws of Wyoming 1963, relating to oil and gas leases and other mineral leases on State or State school lands, deleting a provision requiring bond under certain conditions.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Term of Lease; Assignment; Unitization

Section 1. That Section 36-74, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 98, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

(a) The Board of Land Commissioners is hereby authorized to lease any State or State school lands for oil and gas for a primary term up to ten (10) years and as long thereafter as oil or gas may be produced in paying quantities, and to extend the term of existing oil and gas leases in good standing for as long as oil or gas may be pro-

duced in paying quantities; and for coal and other mineral purposes for terms not exceeding ten (10) years, with preferential right in each coal or other mineral purpose lessee to renew such lease for successive periods of ten (10) years each.

(b) The Board is further authorized to make and establish rules and regulations governing the issuance of such leases and covering the conduct of development and mining operations to be carried on thereunder.

(c) Mineral leases may be issued upon such monthly or annual minimum rental payment basis as shall be fixed by the board, which payment shall be annually applied against such royalty as shall accrue for the same lease year by the terms of such lease, which royalty, as to lands leased for oil or gas shall not be less than 5% of all oil and gas produced and saved from and not used in operations on said lands under said lease, and royalty of not less than five cents per ton on coal produced from the lands under any such lease for coal purposes, such royalty to be paid on mine run of coal. No mineral lease issued under the provisions of this Section shall be assignable or transferable except with written consent of the Board and it shall require the lessee's full compliance with and observance of all rules and regulations adopted by said Board and for the lessee's compliance with all other terms of said lease. All mineral leases issued pursuant to this Section shall be separate and distinct from each lease of the same land for grazing or agricultural purposes, issued by the Board, and rules and regulations adopted by the Board as herein authorized, shall provide for joint use of such lands for grazing and agricultural or mineral purposes without undue interference by the lessees under any such class of leases with lessees under any other such class.

(d) The Board, on behalf of the State, and its lessee or lessees in any such mineral lease are hereby further authorized to join, in the interest of conservation and greater ultimate recovery of oil and gas, in fair and equitable cooperative or unit plans of development or operation of oil and gas pools, with the United States Government and its lessees, or permittees, or others, or any of them, and the Board is hereby authorized to modify and change any and all terms and conditions of any such oil and gas lease or leases, heretofore or hereafter issued, as mutually agreed by the lessor and lessee in any such lease, as required to conform to the terms of any such lease to such cooperative or unit plan and as required to effectuate proper operations thereunder, which changes may include extension of the term of years otherwise applicable to any such lease, for the full period of time during which such cooperative or unit plan may remain in effect.

(e) When a cooperative or unit agreement is terminated or ceases to be effective as to lands upon which there is no production of oil or gas, the lease covering such lands shall remain in effect for a period of two years from the date such lands ceased to be subject to said agreement, or for the remaining length of the term of the original lease, whichever shall be the greater, and so long thereafter as oil or gas is produced from said lands in accordance with the requirements of the original lease.

(f) The terms of any lease issued under this Section for land on which actual drilling operations were commenced prior to the end

of its primary term and are being diligently prosecuted at that time shall be extended for one year and so long thereafter as oil or gas is produced in paying quantities.

Approved March 1, 1965.

## CHAPTER 151

Original Senate File No. 182

### LIVESTOCK — BRAND INSPECTION — No. 2

AN ACT to amend and re-enact Section 11-390, Wyoming Statutes 1957, as amended and re-enacted by Enrolled Act No. 29, Original House Bill No. 87 of the Thirty-Eighth Legislature of the State of Wyoming, relating to the reporting of receipts and expenses of brand inspection by the Agency to the Wyoming Livestock and Sanitary Board; requests by the Wyoming Livestock and Sanitary Board to the State Board of Equalization to fix the mill rate; and the fixing of the mill levy by the State Board of Equalization.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Assessment of Special Tax on Cattle; Report of Receipts, Expenditures; and Estimated Future Expense; Board of Equalization to Fix Tax; Maximum Rate**

Section 1. That Section 11-390, Wyoming Statutes 1957, as amended and re-enacted by Enrolled Act No. 29, Original House Bill No. 87, is amended and re-enacted to read as follows:

The Agency shall on or before the first Monday in June of each year present a written report to the Board, which shall contain: 1. A statement of funds received from inspection fees collected at market centers; 2. A statement of expenses of inspection, including salaries and expenses of inspectors, and that part of the expense of administering the Wyoming office of the Agency incurred in administering said inspection; 3. The amount by which inspection expenses have exceeded the revenues for the fiscal year ending June 1st; 4. An estimate of future expenses for the forthcoming year, which will become due and payable prior to the receipt of the amounts provided for herein to pay the same, and shall mail a copy of said report to the State Examiner. Upon approval by the Board it shall submit a request to the State Board of Equalization to require the levy and collection of a tax sufficient to raise the sum desired. The State Board of Equalization shall order and fix the mill rate of a special tax to be levied each year for the purpose of this Act, sufficient to produce a sum approximately equal to the deficit for the previous year plus an amount sufficient to pay all such expenses for the forthcoming year which will become due and payable prior to receipt of amounts to pay the same as determined by said statement of revenues and expenses; provided however, said levy for the year 1961 shall be six mills, and thereafter the annual levy shall be six mills until such time as the One Hundred Thousand Dollars (\$100,000) appropriated in 1961 by the Legislature for use by the Board has been repaid to the State. Whereupon said levy shall not exceed six mills on the dollar upon all cattle, horses and mules assessed in each

county of the State for the preceding year, according to the valuation thereof as fixed by said Board, and shall certify such special tax levy to the county commissioners of each of the several counties of the State on or before the first Monday of July of each year.

Approved March 1, 1965.

## CHAPTER 152

Original Senate File No. 72

### PRISON SENTENCE

AN ACT amending and re-enacting Section 7-308, Wyoming Statutes 1957, relating to deductions of time for good conduct, and providing for the deduction of good conduct from the maximum sentence rendered.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Deduction of Time for Good Conduct

Section 1. That Section 7-308, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Every convict who shall have no infraction of the rules and regulations of the State Penitentiary or the laws of the State of Wyoming or charge of misconduct recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned him, shall be allowed, from his term of sentence, instead and in lieu of the credits and deductions of time heretofore allowed by law for good conduct, a deduction of one month from the first year, two months from the second year, three months from the third year, four months from the fourth year, five months from the fifth year, and six months from the sixth year and each of the remaining years of his sentence, and pro rata for any part of a year, where the sentence is for more or less than a year. Said deductions for good conduct shall be made only from the maximum sentence imposed by the court.

Approved March 1, 1965.

## CHAPTER 153

Original Senate File No. 112

### COUNTY SURVEYOR — RECORDS

AN ACT to amend and re-enact Section 18-196, Wyoming Statutes 1957, relating to the records of the county surveyor, and providing a penalty for violations.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Records to be Kept

Section 1. That Section 18-196, Wyoming Statutes 1957, is

amended and re-enacted to read as follows:

(a) The county surveyor shall keep a correct and fair record of all surveys made by him in a book to be provided for that purpose by the county, which he shall transmit to his successor in office. He shall also number such surveys progressively, and shall also preserve a copy of field notes and calculations of each survey, indorsing thereon its proper number; a copy of which and also a fair and accurate plat, together with a certificate of survey, shall be furnished by said surveyor to any person requiring the same.

(b) Not later than June 1, 1965, the county surveyor of each and every county shall file with the county clerk of the county wherein the land surveyed is located, all plats, maps and survey records of surveys made by him in behalf of such county, and shall make such filings continuously thereafter as surveys are completed. The county clerk and the county commissioners are hereby empowered to invoke the aid of any district court in the state to secure possession of such documents as are in the custody of such county surveyors, which are the property of the county.

(c) It shall be unlawful for any such county surveyor to fail to file plats, maps, and survey records of surveys made as provided herein, and it shall be unlawful for any county surveyor to fail to file such plats, maps and survey records of surveys made after June 1, 1965, within thirty (30) days of the completion of such survey. Violators of this Section shall be guilty of a misdemeanor, and may be fined not to exceed One Hundred Dollars (\$100.00) or imprisoned in the county jail for not more than thirty (30) days, or both such fine and imprisonment.

(d) The county commissioners of each and every county are hereby authorized to purchase survey records of surveys made which are the private property of surveyors, and to pay for such survey records a sum reasonable in the judgment of such county commissioners.

Approved March 1, 1965.

## CHAPTER 154

Original Senate File No. 141

### CAPITOL BUILDING COMMISSION — PURCHASE OF REALTY

AN ACT appropriating Forty-five Thousand Dollars (\$45,000.00) for the purpose of purchasing real property in the City of Cheyenne, Laramie County, Wyoming, and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Appropriation; Description of Property

Section 1. There is hereby appropriated from the State Treasury, from funds not otherwise appropriated, the sum of Forty-five Thousand Dollars (\$45,000.00), to be expended by the Capitol Building Commission for the purchase of the following described real property:

The South 96 feet of Lot 8, and the South 96 feet of the East 16 feet of Lot 7, all in Block 169, in the City of Cheyenne, Laramie County, Wyoming, together with all improvements situated thereupon.

**Title**

**Section 2.** Good and merchantable title to the above described property shall be conveyed to the State of Wyoming.

**Section 3.** This Act shall take effect from and after its passage.

Approved March 1, 1965.

**CHAPTER 155**

Original Senate File No. 164

**COURT APPOINTED ATTORNEYS**

AN ACT making an appropriation for the payment of Court appointed attorneys under the provisions of Section 4, Chapter 63, Session Laws of Wyoming 1961.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Appropriation**

**Section 1.** There is hereby appropriated out of funds in the State Treasury of the State of Wyoming not otherwise appropriated, the sum of Three Thousand Dollars (\$3,000.00) or so much thereof as may be necessary for the payment of counsel appointed to represent indigents under the provision of Section 4, Chapter 63, Session Laws of Wyoming 1961.

**To be Approved by Court**

**Section 2.** Vouchers for fees to be paid out of this appropriation shall be approved by the Court appointing such counsel and shall be paid on warrant of the State Auditor.

Approved March 1, 1965.

**CHAPTER 156**

Original Senate File No. 134

**FEDERAL RIGHTS OF WAY OVER STATE LAND**

AN ACT amending and re-enacting Section 36-211, Wyoming Statutes 1957, relating to rights of way of the United States over state lands, deleting the requirement that plats and maps of such rights of way be filed with the secretary of state.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Maps, Plats to be Filed**

**Section 1.** That Section 36-211, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

There is hereby granted over all the lands now owned by the State of Wyoming, and which may hereafter be owned by the State of Wyoming, a right of way for ditches, tunnels, telephone and transmission lines constructed by and under the authority of the United States; provided, always, that any such right of way desired by the United States shall be surveyed and platted and certified maps and plats of such right of way filed with the board of land commissioners, such maps and plats to be in conformity with the requirements of Section 37-202, Wyoming Statutes 1957, regarding rights of way for railroad corporations, and no fee shall be requested for the filing of any such said maps and plats; and, provided, further, that all conveyances by the State of any of its lands, which may hereafter be made, shall contain a reservation for rights of way provided for in this Section.

Approved March 1, 1965.

**CHAPTER 157**

Original Senate File No. 23

**CHEYENNE RIVER COMPACT — REPEAL**

AN ACT repealing Sections 41-503 and 41-504, Wyoming Statutes, 1957 relating to ratification and approval of the Cheyenne River Compact signed at Rapid City, in the State of South Dakota, on the 13th day of August, A. D., 1948, which compact was signed by duly authorized commissioners of the State of South Dakota but which was not approved by the Congress of the United States of America.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Sections Repealed**

**Section 1.** Sections 41-503 and 41-504, Wyoming Statutes, 1957, are hereby repealed.

Approved March 1, 1965.

**CHAPTER 158**

Original Senate File No. 86

**UNDERGROUND WATER — USE IN OTHER STATES**

AN ACT authorizing applications for the appropriation and diversion of underground water in Wyoming for use in other states and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*



**Authorization of Legislature Needed**

**Section 1.** The State Engineer may accept and file applications for use of underground water to be appropriated or diverted in Wyoming for use in any adjoining state but no applicant shall be entitled to appropriate or divert underground water for such use without specific authorization by the Legislature of the State of Wyoming and then only in cases where the state in which the water is to be used shall grant reciprocal rights for the use of water in Wyoming.

**Adjudication**

**Section 2.** After issuance of the permit under legislative authority and completion of the work according to the terms of the permit, the board of control may adjudicate said underground water rights upon proof of beneficial use as provided by Section 41-211, Wyoming Statutes 1957.

**Section 3.** This Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1965.

**CHAPTER 159**

Original Senate File No. 163

**STATUTES REVISION COMMISSION**

AN ACT appropriating funds to the Wyoming Statute Revision Commission and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Appropriation**

**Section 1.** There is hereby appropriated from any funds in the State Treasury, not otherwise appropriated, the sum of Thirteen Thousand Two Hundred Eighteen Dollars and Five Cents (\$13,218.05), or so much thereof as may be necessary, to the Wyoming Statute Revision Commission to be used by the commission in performing its statutory duties.

**Section 2.** This Act shall take effect upon its passage and approval.

Approved March 1, 1965.

**CHAPTER 160**

Original Senate File No. 10

**WYOMING UNIFORM SECURITIES ACT**

AN ACT relating to securities; prohibiting fraudulent practices in relation thereto; requiring the registration of broker-dealers, agents, and securities; and making uniform the law with reference thereto; and to repeal Section 17-102 through 17-117, Wyoming Statutes 1957.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Fraudulent Practices in Securities Sales and Purchases Prohibited**

**Section 1.** It is unlawful for any person, in connection with the offer, sale or purchase of any security, directly or indirectly

- (1) to employ any device, scheme, or artifice to defraud,
- (2) to make any untrue statement or a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, or

- (3) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

**Fraudulent Practices in Advisory Activities Prohibited**

**Section 2.** It is unlawful for any person who receives any consideration from another person primarily for advising the other person as to the value of securities or their purchase or sale, whether through the issuance of analyses or reports or otherwise,

- (1) to employ any device, scheme, or artifice to defraud the other person, or
- (2) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon the other person.

**Registration of Broker-Dealers, Agents Required**

**Section 3.**

(a) It is unlawful for any person to transact business in this state as a broker-dealer or agent unless he is registered under this Act.

(b) It is unlawful for any broker-dealer or issuer to employ an agent unless the agent is registered. The registration of an agent is not effective during any period when he is not associated with a particular broker-dealer registered under this Act or a particular issuer. When an agent begins or terminates a connection with a broker-dealer or issuer, or begins or terminates those activities which make him an agent, the agent as well as the broker-dealer or issuer shall promptly notify the Secretary of State.

(c) Every registration expires one year from its effective date unless renewed.

**Registration Procedure; Fee**

**Section 4.**

(a) A broker-dealer or agent may obtain an initial or renewal registration by filing with the Secretary of State an application together with a consent to service of process pursuant to Section 26 (g). The application shall contain whatever information the Secretary of State by rule requires concerning such matters as (1) the applicant's form and place of organization; (2) the applicant's proposed method of doing business; (3) the qualifications and business

history of the applicant and, in the case of a broker-dealer, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer; (4) any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony; and (5) the applicant's financial condition and history. The Secretary of State may by rule or order require an applicant for initial registration to publish an announcement of the application in one or more specified newspapers published in this state. If no denial order is in effect and no proceeding is pending under Section 6, registration becomes effective at noon of the thirtieth day after an application is filed. The Secretary of State may by rule or order specify an earlier effective date, and he may by order defer the effective date until noon of the thirtieth day after the filing of any amendment. Registration of a broker-dealer automatically constitutes registration of any agent who is a partner, officer, or director, or a person occupying a similar status or performing similar functions.

(b) Every applicant for initial or renewal registration shall pay a filing fee of \$50.00 in the case of a broker-dealer, and \$10.00 in the case of an agent. When an application is denied or withdrawn, the Secretary of State shall retain the entire fee.

(c) A registered broker-dealer may file an application for registration of a successor, whether or not the successor is then in existence, for the unexpired portion of the year. There shall be no filing fee.

(d) The Secretary of State may by rule require a minimum capital for registered broker-dealers.

(e) The Secretary of State may by rule require registered broker-dealers and agents to post surety bonds in amounts up to \$10,000 and may determine their conditions. Any appropriate deposit of cash or securities shall be accepted in lieu of any bond so required. No bond may be required of any registrant whose net capital, which may be defined by rule, exceeds \$25,000. Every bond shall provide for suit thereon by any person who has a cause of action under Section 22 and, if the Secretary of State by rule or order requires, by any person who has a cause of action not arising under this Act. Every bond shall provide that no suit may be maintained to enforce any liability on the bond unless brought within two years after the sale or other act upon which it is based.

#### **Post-Registration Provisions**

##### **Section 5.**

(a) Every registered broker-dealer shall make and keep such accounts, correspondence, memoranda, papers, books, and other records as the Secretary of State by rule prescribes. All records so required shall be preserved for three years unless the Secretary of State by rule prescribes otherwise for particular types of records.

(b) Every registered broker-dealer shall file such financial reports as the Secretary of State by rule prescribes.

(c) If the information contained in any document filed with the Secretary of State is or becomes inaccurate or incomplete in any material respect, the registrant shall promptly file a correcting amendment unless notification of the correction has been given under Section 3 (b).

(d) All the records referred to in Subsection (a) are subject at any time or from time to time to such reasonable periodic, special, or other examinations by representatives of the Secretary of State, within or without this State, as the Secretary of State deems necessary or appropriate in the public interest or for the protection of investors. For the purpose of avoiding unnecessary duplication of examinations, the Secretary of State, insofar as he deems it practicable in administering this subsection, may cooperate with the securities administrators of other states, the Securities and Exchange Commission, and any national securities exchange or national securities association registered under the Securities Exchange Act of 1934.

#### **Denial, Revocation, Suspension, Cancellation, and Withdrawal of Registration**

##### **Section 6.**

(a) The Secretary of State may by order deny, suspend, or revoke any registration if he finds (1) that the order is in the public interest and (2) that the applicant or registrant or, in the case of a broker-dealer, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer:

(A) has filed an application for registration which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(B) has willfully violated or willfully failed to comply with any provision of this Act or a predecessor act or any rule or order under this Act or a predecessor act;

(C) has been convicted, within the past ten years, of any misdemeanor involving a security or any aspect of the securities business, or any felony;

(D) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(E) is the subject of an order of the Secretary of State denying, suspending, or revoking registration as a broker-dealer or agent.

(F) is the subject of an order entered within the past five years by the securities administrator of any other state or by the Securities and Exchange Commission denying or revoking registration as a broker-dealer, agent, or investment adviser, or the substantial equivalent of those terms as defined in this Act, or is the subject of an order of the Securities and Exchange Commission suspending or expelling him from a national securities exchange or national

securities association registered under the Securities Exchange Act of 1934, or is the subject of a United States Post Office fraud order; but (i) the Secretary of State may not institute a revocation or suspension proceeding under clause (F) more than one year from the date of the order relied on, and (ii) he may not enter an order under clause (F) on the basis of an order under another state act unless that order was based on facts which would currently constitute a ground for an order under this Section;

(G) has engaged in dishonest or unethical practices in the securities business;

(H) is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature; but the Secretary of State may not enter an order against a broker-dealer under this clause without a finding of insolvency as to the broker-dealer; or

(I) is not qualified on the basis of such factors as training, experience, and knowledge of the securities business, except as otherwise provided in Subsection (b).

The Secretary of State may by order deny, suspend, or revoke any registration if he finds (1) that the order is in the public interest and (2) that the applicant or registrant

(J) has failed reasonably to supervise his agents if he is a broker-dealer; or

(K) has failed to pay the proper filing fee; but the Secretary of State may enter only a denial order under this clause, and he shall vacate any such order when the deficiency has been corrected.

The Secretary of State may not institute a suspension or revocation proceeding on the basis of a fact or transaction known to him when registration became effective unless the proceeding is instituted within the next thirty days.

(b) The following provisions govern the application of Section 6 (a) (2) (I):

(1) The Secretary of State may not enter an order against a broker-dealer on the basis of the lack of qualification of any person other than (A) the broker dealer himself if he is an individual or (B) an agent of the broker-dealer.

(2) The Secretary of State may not enter an order solely on the basis of lack of experience if the applicant or registrant is qualified by training or knowledge or both.

(3) The Secretary of State shall consider that an agent who will work under the supervision of a registered broker-dealer need not have the same qualifications as a broker-dealer.

(4) The Secretary of State may by rule provide for an examination, which may be written or oral or both, to be taken by any class of or all applicants, and provide for a reasonable fee to be paid before the examination is taken.

(c) The Secretary of State may by order summarily postpone or suspend registration pending final determination of any proceeding

under this Section. Upon entry of the order, the Secretary of State shall promptly notify the applicant or registrant, as well as the employer or prospective employer if the applicant or registrant is an agent, that it has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the Secretary of State, the order will remain in effect until it is modified or vacated by the Secretary of State. If hearing is requested or ordered, the Secretary of State, after notice of and opportunity for hearing, may modify or vacate the order or extend it until final determination.

(d) If the Secretary of State finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a broker-dealer or agent, or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the Secretary of State may by order cancel the registration or application.

(e) Withdrawal from registration as a broker-dealer or agent becomes effective thirty days after receipt of an application to withdraw or within such shorter period of time as the Secretary of State may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the withdrawal is instituted within thirty days after the application is filed. If a proceeding is pending or instituted, withdrawal becomes effective at such time and upon such conditions as the Secretary of State by order determines. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the Secretary of State may nevertheless institute a revocation or suspension proceeding under Section 6 (a) (2) (B) within one year after withdrawal became effective and enter a revocation or suspension order as of the last date on which registration was effective.

(f) No order may be entered under any part of this Section except the first sentence of Subsection (c) without (1) appropriate notice to the applicant or registrant (as well as the employer or prospective employer if the applicant or registrant is an agent), (2) opportunity for hearing, and (3) written findings of fact and conclusions of law.

#### **Registration of Securities Required**

**Section 7.** It is unlawful for any person to offer or sell any security in this state unless (1) it is registered under this Act or (2) the security or transaction is exempted under Section 14.

#### **Registration by Notification**

##### **Section 8.**

(a) The following securities may be registered by notification, whether or not they are also eligible for registration by coordination under Section 9:

(1) any security whose issuer and any predecessors have been in continuous operation for at least five years if (A) there has been

no default during the current fiscal year or within the three preceding fiscal years in the payment of principal, interest, or dividends on any security of the issuer (or any predecessor) with a fixed maturity or a fixed interest or dividend provision, and (B) the issuer and any predecessors during the past three fiscal years have had average net earnings, determined in accordance with generally accepted accounting practices, (i) which are applicable to all securities without a fixed maturity or a fixed interest or dividend provision outstanding at the date the registration statement is filed and equal at least five percent of the amount of such outstanding securities (as measured by the maximum offering price or the market price on a day, selected by the registrant, within thirty days before the date of filing the registration statement, whichever is higher, or book value on a day, selected by the registrant, within ninety days of the date of filing the registration statement to the extent that there is neither a readily determinable market price nor a cash offering price), or (ii) which, if the issuer and any predecessors have not had any security of the type specified in clause (i) outstanding for three full fiscal years, equal to at least five percent of the amount (as measured in clause (i)) of all securities which will be outstanding if all the securities being offered or proposed to be offered (whether or not they are proposed to be registered or offered in this State) are issued:

(2) any security registered for non-issuer distribution of (A) any security of the same class has ever been registered under this Act or a predecessor act, or (B) the security being registered was originally issued pursuant to an exemption under this Act or a predecessor act.

(b) A registration statement under this Section shall contain the following information and be accompanied by the following documents in addition to the information specified in Section 11 (c) and the consent to service of process required by Section 26 (g):

(1) a statement demonstrating eligibility for registration by notification;

(2) with respect to the issuer and any significant subsidiary; its name, address, and form of organization; the state (or foreign jurisdiction) and the date of its organization; and the general character and location of its business;

(3) with respect to any person on whose behalf any part of the offering is to be made in a non-issuer distribution: his name and address; the amount of securities of the issuer held by him as of the date of the filing of the registration statement; and a statement of his reasons for making the offering;

(4) a description of the security being registered;

(5) the information and documents specified in clauses (8), (10), and (12) of Section 10 (b); and

(6) in the case of any registration under Section 8 (a) (2) which does not also satisfy the conditions of Section 8 (a) (1), a balance sheet of the issuer as of a date within four months prior to the filing of the registration statement, and a summary of earnings for each of the two fiscal years preceding the date of the balance sheet

and for any period between the close of the last fiscal year and the date of the balance sheet, or for the period of the issuer's and any predecessors' existence if less than two years.

(c) If no stop order is in effect and no proceeding is pending under Section 12, a registration statement under this Section automatically becomes effective at one o'clock Standard Time in the afternoon of the second full business day after the filing of the registration statement or the last amendment, or at such earlier time as the Secretary of State determines.

### **Registration by Coordination**

#### **Section 9.**

(a) any security for which a registration statement has been filed under the Securities Act of 1933, or for which a filing has been made pursuant to Section 3 (b) or 3 (c) of that Act, in connection with the same offering may be registered by coordination.

(b) A registration statement under this Section shall contain the following information and be accompanied by the following documents in addition to the information specified in Section 11 (c) and the consent to service of process required by Section 26 (g):

(1) two copies of the latest form of prospectus filed under the Securities Act of 1933;

(2) if the Secretary of State by rule or otherwise requires, a copy of the articles of incorporation and by-laws (or their substantial equivalent) currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;

(3) if the Secretary of State requests, any other information, or copies of any other documents, filed under the Securities Act of 1933; and

(4) an undertaking to forward all amendments to the federal prospectus, other than an amendment which merely delays the effective date of the registration statement, promptly and in any event not later than the first business day after the day they are forwarded to or filed with the Securities and Exchange Commission, whichever first occurs.

(c) A registration statement under this Section automatically becomes effective at the moment the federal registration statement becomes effective if all the following conditions are satisfied: (1) no stop order is in effect and no proceeding is pending under Section 12; (2) the registration statement has been on file with the Secretary of State for at least ten days; and (3) a statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for two full business days or such shorter periods as the Secretary of State permits by rule or otherwise and the offering is made within those limitations. The registrant shall promptly notify the Secretary of State by telephone or telegram of the date and time when the federal registration



statement became effective and the content of the price amendment, if any, and shall promptly file a post-effective amendment containing the information and documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price. Upon failure to receive the required notification and post-effective amendment with respect to the price amendment, the Secretary of State may enter a stop order, without notice or hearing, retroactively denying effectiveness to the registration statement or suspending its effectiveness until compliance with this Subsection, if he promptly notifies the registrant by telephone or telegram (and promptly) confirms by letter or telegram when he notifies by telephone) of the issuance of the order. If the registrant proves compliance with the requirements of this Subsection as to notice and post-effective amendment, the stop order is void as of the time of its entry. The Secretary of State may by rule or otherwise waive either or both of the conditions specified in clauses (2) and (3). If the federal registration statement becomes effective before all the conditions in this Subsection are satisfied and they are not waived, the registration statement automatically becomes effective as soon as all the conditions are satisfied. If the registrant advises the Secretary of State of the date when the federal registration statement is expected to become effective, the Secretary of State shall promptly advise the registrant by telephone or telegram, at the registrant's expense, whether all the conditions are satisfied and whether he then contemplates the institution of a proceeding under Section 12; but this advice by the Secretary of State does not preclude the institution of such a proceeding at any time.

### **Registration by Qualification**

#### **Section 10.**

- (a) Any security may be registered by qualification.
- (b) A registration statement under this Section shall contain the following information and be accompanied by the following documents in addition to the information specified in Section 11 (c) and the consent to service of process required by Section 26 (g);
  - (1) with respect to the issuer and any significant subsidiary: its name, address, and form of organization; the state or foreign jurisdiction and date of its organization; the general character and location of its business; a description of its physical properties and equipment; and a statement of the general competitive conditions in the industry or business in which it is or will be engaged;
  - (2) with respect to every director and officer of the issuer, or person occupying a similar status or performing similar functions: his name, address, and principal occupation for the past five years; the amount of securities of the issuer held by him as of a specified date within thirty days of the filing of the registration statement; the amount of the securities covered by the registration statement to which he has indicated his intention to subscribe; and a description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past three years or proposed to be effected;

(3) with respect to persons covered by clause (2): the remuneration paid during the past twelve months and estimated to be paid during the next twelve months, directly or indirectly, by the issuer (together with all predecessors, parents, subsidiaries, and affiliates) to all those persons in the aggregate;

(4) with respect to any person owning of record, or beneficially if known, ten percent or more of the outstanding shares of any class of equity security of the issuer: the information specified in clause (2) other than his occupation;

(5) with respect to every promoter if the issuer was organized within the past three years: the information specified in clause (2), any amount paid to him within that period or intended to be paid to him, and the consideration for any such payment;

(6) with respect to any person on whose behalf any part of the offering is to be made in a non-issuer distribution: his name and address; the amount of securities of the issuer held by him as of the date of the filing of the registration statement; a description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past three years or proposed to be effected; and a statement of his reasons for making the offering;

(7) the capitalization and long-term debt (on both a current and pro forma basis) of the issuer and any significant subsidiary, including a description of each security outstanding or being registered or otherwise offered, and a statement of the amount and kind of consideration (whether in the form of cash, physical assets, services, patents, goodwill, or anything else) for which the issuer or any subsidiary has issued any of its securities within the past two years or is obligated to issue any of its securities;

(8) the kind and amount of securities to be offered; the proposed offering price or the method by which it is to be computed; any variation therefrom at which any portion of the offering is to be made to any person or class of persons other than the underwriters, with a specification of any such person or class; the basis upon which the offering is to be made if otherwise than for cash; the estimated aggregate underwriting and selling discounts or commissions and finders' fees (including separately cash, securities, contracts, or anything else of value to accrue to the underwriters or finders in connection with the offering) or, if the selling discounts or commissions are variable; the basis of determining them and their maximum and minimum amounts; the estimated amounts of other selling expenses, including legal, engineering, and accounting charges; the name and address of every underwriter and every recipient of a finder's fee; a copy of any underwriting or selling-group agreement pursuant to which the distribution is to be made, or the proposed form of any such agreement whose terms have not yet been determined; and a description of the plan of distribution of any securities which are to be offered otherwise than through an underwriter;

(9) the estimated cash proceeds to be received by the issuer from the offering; the purposes for which the proceeds are to be used by the issuer; the amount to be used for each purpose; the

order or priority in which the proceeds will be used for the purposes stated; the amounts of any funds to be raised from other sources to achieve the purposes stated; the sources of any such funds; and, if any part of the proceeds is to be used to acquire any property (including goodwill) otherwise than in the ordinary course of business, the names and addresses of the vendors, the purchase price, the names of any persons who have received commissions in connection with the acquisition, and the amounts of any such commissions and any other expense in connection with the acquisition (including the cost of borrowing money to finance the acquisition);

(10) a description of any stock options or other security options outstanding, or to be created in connection with the offering, together with the amount of any such options held or to be held by every person required to be named in clause (2), (4), (5), (6), or (8) and by any person who holds or will hold ten percent or more in the aggregate of any such options;

(11) the dates of, parties to, and general effect concisely stated of, every management or other material contract made or to be made otherwise than in the ordinary course of business if it is to be performed in whole or in part at or after the filing of the registration statement or was made within the past two years, together with a copy of every such contract; and a description of any pending litigation or proceeding to which the issuer is a party and which materially affects its business or assets (including any such litigation or proceeding known to be contemplated by governmental authorities);

(12) a copy of any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature intended as of the effective date to be used in connection with the offering;

(13) a specimen or copy of the security being registered; a copy of the issuer's articles of incorporation and by-laws, or their substantial equivalents, as currently in effect; and a copy of any indenture or other instrument covering the security to be registered;

(14) a signed or conformed copy of an opinion of counsel as to the legality of the security being registered (with an English translation if it is in a foreign language), which shall state whether the security when sold will be legally issued, fully paid, and non-assessable, and, if a debt security, a binding obligation of the issuer;

(15) the written consent of any accountant, engineer, appraiser, or other person whose profession gives authority to a statement made by him, if any such person is named as having prepared or certified a report or valuation (other than a public and official document or statement) which is used in connection with the registration statement;

(16) a balance sheet of the issuer as of a date within four months prior to the filing of the registration statement; a profit and loss statement and analysis of surplus for each of the three fiscal years preceding the date of the balance sheet and for any period between the close of the last fiscal year and the date of the balance sheet, or for the period of the issuer's and any predecessors' existence if less than three years; and, if any part of the proceeds of the

offering is to be applied to the purchase of any business, the same financial statements which would be required if that business were the registrant; and

(17) such additional information as the Secretary of State requires by rule or order.

(c) A registration statement under this Section becomes effective when the Secretary of State so orders.

(d) The Secretary of State may by rule or order require as a condition of registration under this Section that a prospectus containing any designated part of the information specified in Subsection (b) be sent or given to each person to whom an offer is made before or concurrently with (1) the first written offer made to him (otherwise than by means of a public advertisement) by or for the account of the issuer or any other person on whose behalf the offering is being made, or by any underwriter or broker-dealer who is offering part of an unsold allotment or subscription taken by him as a participant in the distribution,

(2) the confirmation of any sale made by or for the account of any such person,

(3) payment pursuant to any such sale, or

(4) delivery of the security pursuant to any such sale, whichever first occurs.

### Provisions Applicable to Registration Generally

#### Section 11.

(a) A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or a registered broker-dealer.

(b) Every person filing a registration statement shall pay a filing fee of 1/20 of 1 percent of the maximum aggregate offering price at which the registered securities are to be offered in this State, but the fee shall in no case be less than \$25.00 or more than \$100.00. When a registration statement is withdrawn before the effective date or a pre-effective stop order is entered under Section 306, the Secretary of State shall retain \$25.00 of the fee.

(c) Every registration statement shall specify (1) the amount of securities to be offered in this State; (2) the states in which a registration statement or similar document in connection with the offering has been or is to be filed; and (3) any adverse order, judgment, or decree entered in connection with the offering by the regulatory authorities in each state or by any court or the Securities and Exchange Commission.

(d) Any document filed under this Act or a predecessor act within five years preceding the filing of a registration statement may be incorporated by reference in the registration statement to the extent that the document is currently accurate.

(e) The Secretary of State may by rule or otherwise permit the omission of any item of information or document from any registration statement.

(f) In the case of a non-issuer distribution, information may not be required under Section 10 or 11(j) unless it is known to the person filing the registration statement or to the persons on whose behalf the distribution is to be made, or can be furnished by them without unreasonable effort or expense.

(g) The Secretary of State may by rule or order require as a condition of registration by qualification or coordination (1) that any security issued within the past three years or to be issued to a promotor for a consideration substantially different from the public offering price or to any person for a consideration other than cash, be deposited in escrow; and (2) that the proceeds from the sale of the registered security in this State be impounded until the issuer receives a specified amount from the sale of the security either in this State or elsewhere. The Secretary of State may by rule or order determine the conditions of any escrow or impounding required hereunder, but he may not reject a depository solely because of location in another state.

(h) The Secretary of State may by rule or order require as a condition of registration that any security registered by qualification or coordination be sold only on a specified form of subscription or sale contract, and that a signed or conformed copy of each contract be filed with the Secretary of State or preserved for any period up to three years specified in the rule or order.

(i) Every registration statement is effective for one year from its effective date, or any longer period during which the security is being offered or distributed in a non-exempted transaction by or for the account of the issuer or other person on whose behalf the offering is being made or by any underwriter or broker-dealer who is still offering part of an unsold allotment or subscription taken by him as a participant in the distribution, except during the time a stop order is in effect under Section 12. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of any non-issuer transaction (1) so long as the registration statement is effective and (2) between the thirtieth day after the entry of any stop order suspending or revoking the effectiveness of the registration statement under Section 12 (if the registration statement did not relate in whole or in part to a non-issuer distribution) and one year from the effective date of the registration statement. A registration statement may not be withdrawn for one year from its effective date if any securities of the same class are outstanding. A registration statement may be withdrawn otherwise only in the discretion of the Secretary of State.

(j) So long as a registration statement is effective, the Secretary of State may by rule or order require the person who filed the registration statement to file reports, not more often than quarterly, to keep reasonably current the information contained in the registration statement and to disclose the progress of the offering.

(k) A registration statement relating to a security issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, may be

amended after its effective date so as to increase the securities specified as proposed to be offered. Such an amendment becomes effective when the Secretary of State so orders. Every person filing such an amendment shall pay a filing fee, calculated in the manner specified in Subsection (b), with respect to the additional securities proposed to be offered.

### **Denial, Suspension, and Revocation of Registration**

#### **Section 12**

(a) The Secretary of State may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if he finds (1) that the order is in the public interest and (2) that

(A) the registration statement as of its effective date or as of any earlier date in the case of an order denying effectiveness, or any amendment under Section 11 (k) as of its effective date, or any report under Section 11 (j) is incomplete in any material respect or contains any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(B) any provision of this Act or any rule, order, or condition lawfully imposed under this Act has been willfully violated, in connection with the offering, by (i) the person filing the registration statement, (ii) the issuer, any partner, officer, or director of the issuer, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer, or (iii) any underwriter;

(C) the security registered or sought to be registered is the subject of an administrative stop order or similar order or a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state act applicable to the offering; but (i) the Secretary of State may not institute a proceeding against an effective registration statement under clause (C) more than one year from the date of the order or injunction relied on, and (ii) he may enter an order under clause (C) on the basis of an order or injunction entered under any other state act unless that order or injunction was based on facts which would currently constitute a ground for a stop order under this Section;

(D) the issuer's enterprise or method of business includes or would include activities which are illegal where performed;

(E) the offering has worked or tended to work a fraud upon purchasers or would so operate;

(F) the offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions, or other compensation, or promoters' profits or participation, or reasonable amounts or kinds of options;

(G) when a security is sought to be registered by notification, it is not eligible for such registration;

(H) when a security is sought to be registered by coordination, there has been a failure to comply with the undertaking required by Section 9(b) (4) ; or

(I) the applicant or registrant has failed to pay the proper filing fee; but the Secretary of State may enter only a denial order under this clause and he shall vacate any such order when the deficiency has been corrected.

The Secretary of State may not institute a stop order proceeding against an effective registration statement on the basis of a fact or transaction known to him when the registration statement became effective unless the proceeding is instituted within the next thirty days.

(b) The Secretary of State may by order summarily postpone or suspend the effectiveness of the registration statement pending final determination of any proceeding under this Section. Upon the entry of the order, the Secretary of State shall promptly notify each person specified in Subsection (c) that it has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the Secretary of State, the order will remain in effect until it is modified or vacated by the Secretary of State. If a hearing is requested or ordered, the Secretary of State, after notice of an opportunity for hearing to each person specified in Subsection (c), may modify or vacate the order or extend it until final determination.

(c) No stop order may be entered under any part of this Section except the first sentence of Subsection (b) without (1) appropriate notice to the applicant or registrant, the issuer, and the person on whose behalf the securities are to be or have been offered, (2) opportunity for hearing, and (3) written findings of fact and conclusions of law.

(d) The Secretary of State may vacate or modify a stop order if he finds that the conditions which prompted its entry have changed or that it is otherwise in the public interest to do so.

### **Definitions**

#### **Section 13.**

When used in this Act, unless the context otherwise requires:

(a) "Administrator" means the Secretary of State.

(b) "Agent" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect purchases or sales of securities. "Agent" does not include an individual who represents an issuer in (1) effecting transactions in a security exempted by clause (1), (2), (3), or (10) of Section 14(a), (2) effecting transactions exempted by Section 14(b), or (3) effecting transactions with existing employees, partners or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this State. A partner, officer, or director of a broker-dealer or issuer, or a person occupying a similar status or performing similar functions, is an agent only if he otherwise comes within this definition.

(c) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-dealer" does not include (1) an agent, (2) an issuer, (3) a bank, savings institution, or trust company, or (4) a person who has no place of business in this state if (A) he effects transactions in this State exclusively with or through (i) the issuers of the securities involved in the transactions, (ii) other broker-dealers or (iii) banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees or (B) during any period of twelve consecutive months he does not direct more than fifteen offers to sell or buy into this State in any manner to persons other than those specified in clause (A), whether or not the offeror or any of the offerees is then present in this State.

(d) "Fraud," "deceit," and "defraud" are not limited to common-law deceit.

(e) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(f) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting-trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors or persons performing similar functions or of the fixed, restricted management, or unit type, the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

(g) "Non-issuer" means not directly or indirectly for the benefit of the issuer.

(h) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or political subdivision of a government.

(i) (1) "Sale" or "Sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value.

(2) "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

(3) Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value.

(4) A purported gift of assessable stock is considered to involve an offer and sale.



(5) Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(6) The terms defined in this Subsection do not include (A) any bona fide pledge or loan; (B) any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the dividend other than the surrender of a right to a cash or property dividend when each stockholder may elect to take the dividend in cash or property or in stock; (C) any act incident to a class vote by stockholders, pursuant to the certificate of incorporation or the applicable corporation statute, on a merger, consolidation, reclassification of securities, or sale of corporate assets in consideration of the issuance of securities of another corporation; or (D) any act incident to a judicially approved reorganization in which a security is issued in exchange for one or more outstanding securities, claims, or property interests, or partly in such exchange and partly for cash.

(j) "Securities Act of 1933," "Securities Exchange Act of 1934," "Public Utility Holding Company Act of 1935," and "Investment Company Act of 1940" mean the federal statutes of those names as amended before or after the effective date of this Act.

(k) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; pre-need funeral or burial contract or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or for some other specified period.

(l) "State" means any state, territory, or possession of the United States, the District of Columbia and Puerto Rico.

#### **Exemptions**

##### **Section 14.**

(a) The following securities are exempted from Sections 7 and 15:

(1) any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

(2) any security issued or guaranteed by Canada, any Canadian

province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor;

(3) any security issued by a state or national bank or trust company authorized to do business in the state;

(4) any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this State;

(5) any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this State;

(6) any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (A) subject to the jurisdiction of the Interstate Commerce Commission; (B) a registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that Act; (C) regulated in respect of its rates and charges by a governmental authority of the United States or any state; or (D) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province;

(7) any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, or the Midwest Stock Exchange; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing;

(8) any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or trade or professional association;

(9) any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal;

(10) any investment contract issued in connection with an employees' stock purchase, savings, pension, profit-sharing, or similar benefit plan if the Administrator is notified in writing thirty days before the inception of the plan or, with respect to plans which are in effect on the effective date of this Act, within sixty days thereafter (or within thirty days before they are reopened if they are closed on the effective date of this Act);

(b) The following transactions are exempted from Sections 7 and 15:

(1) any isolated non-issuer transaction, whether effected through a broker-dealer or not;

(2) any non-issuer distribution of an outstanding security if (A) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (B) the security has a fixed maturity or a fixed interest or dividend provision and there has been default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security;

(3) any non-issuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the Secretary of State may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period;

(4) any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;

(5) any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit;

(6) any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator;

(7) any transaction executed by a bona fide pledgee without any purpose of evading this Act;

(8) any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(9) any transaction pursuant to an offer directed by the offeror to not more than fifteen persons (other than those designated in paragraph (8)) in this state during any period of twelve consecutive months, whether or not the offeror or any of the offerees is then present in this state, if (A) the seller reasonably believes that all the buyers in this state (other than those designated in paragraph (8)) are purchasing for investment and (B) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer in this state (other than those designated in paragraph (8)); but the Secretary of State may by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, or increase or decrease the number of offerees permitted, or waive the conditions in Clauses

(A) and (B) with or without the substitution of a limitation on remuneration;

(10) any offer or sale of a preorganization certificate or subscription if (A) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (B) the number of subscribers does not exceed fifteen and (C) no payment is made by any subscriber;

(11) any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, non-transferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (A) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (B) the issuer first files a notice specifying the terms of the offer and the Secretary of State does not by order disallow the exemption within the next five full business days;

(12) any offer (but not a sale) of a security for which registration statements have been filed under both this Act and the Securities Act of 1933 if no stop order or refusal is in effect and no public proceeding or examination looking toward such an order is pending under either Act.

(c) The Secretary of State may by order deny or revoke any exemption specified in clause (9) or (10) or subsection (a) or in subsection (b) with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the Secretary of State may by order summarily deny or revoke any of the specified exemptions pending final determination of any proceeding under this subsection. Upon the entry of a summary order, the Secretary of State shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the Administrator, the order will remain in effect until it is modified or vacated by the Secretary of State. If a hearing is requested or ordered, the Secretary of State after notice of and opportunity for hearing to all interested persons may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated Section 7 or 15 by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the order.

(d) In any proceeding under this Act, the burden of proving and exemption or an exception from a definition is upon the person claiming it.

#### **Filing of Sales and Advertising Literature**

**Section 15.** The Secretary of State may by rule or order require

the filing of any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed or intended for distribution to prospective investors, unless the security or transaction is exempted by Section 14.

#### **Misleading Filings Unlawful**

**Section 16.** It is unlawful for any person to make or cause to be made, in any document filed with the Secretary of State or in any proceeding under this Act, any statement which is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect.

#### **Unlawful Representations Concerning Registration or Exemption**

##### **Section 17.**

(a) Neither (1) the fact that an application for registration under Sections 3 through 6 or a registration statement under Sections 7 through 12 has been filed nor (2) the fact that a person or security is effectively registered constitutes a finding by the Secretary of State that any document filed under this Act is true, complete, and not misleading. Neither any such fact nor the fact that an exemption or exception is available for a security or a transaction means that the Secretary of State has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security, or transaction.

(b) It is unlawful to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with subsection (a).

#### **Administration of Act**

##### **Section 18.**

(a) This Act shall be administered by the Secretary of State.

(b) It is unlawful for the Secretary of State or any of his officers or employees to use for personal benefit any information which is filed with or obtained by the Secretary of State and which is not made public. No provisions of this Act authorizes the Secretary of State or any of his officers or employees to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under this Act. No provision of this Act either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the Administrator or any of his officers or employees.

#### **Investigations and Subpoenas**

##### **Section 19.**

(a) The Secretary of State in his discretion (1) may make such public or private investigations within or outside of this state as he deems necessary to determine whether any person has violated or is about to violate any provision of this Act or any rule or order hereunder, or to aid in the enforcement of this Act or in the pre-

scribing of rules and forms hereunder, (2) may require or permit any person to file a statement in writing, under oath or otherwise as the Secretary of State determines, as to all the facts and circumstances concerning the matter to be investigated, and (3) may publish information concerning any violation of this Act or any rule or order hereunder.

(b) For the purpose of any investigation or proceeding under this Act, the Secretary of State or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the Secretary of State deems relevant or material to the inquiry.

(c) in case of contumacy by, or refusal to obey a subpoena issued to, any person, the Wyoming District Court, upon application by the Secretary of State, may issue to the person an order requiring him to appear before the Secretary of State or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

(d) No person is excused from attending and testifying or from producing any document or record before the Secretary of State, or in obedience to the subpoena of the Secretary of State or any officer designated by him, or in any proceeding instituted by the Secretary of State, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual testifying is not exempt from prosecution and punishment for perjury or contempt committed in testifying.

### **Injunctions**

**Section 20.** Whenever it appears to the Secretary of State that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this Act or any rule or order hereunder, he may in his discretion bring an action in the Wyoming District Court to enjoin the acts or practices and to enforce compliance with this Act or any rule or order hereunder. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The court may not require the Secretary of State to post a bond.

### **Criminal Penalties**

#### **Section 21.**

(a) Any person who willfully violates any provision of this Act except Section 16 or who willfully violates any rule or order under this Act, or who willfully violates Section 16 knowing the statement

made to be false or misleading in any material respect, shall upon conviction be fined not more than \$5,000 or imprisoned not more than three years, or both; but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order.

(b) The Secretary of State may refer such evidence as is available concerning violations of this Act or of any rule or order hereunder to the attorney general who may, with or without such a reference, institute the appropriate criminal proceedings under this Act.

(c) Nothing in this Act limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

### Civil Liabilities

#### Section 22.

(a) Any person who

(1) offers or sells a security in violation of Section 3(a), 7, or 17(b), or of any rule or order under Section 15 which requires the affirmative approval of sales literature before it is used, or of any condition imposed under Section 10(d), 11(g), or 11(h), or

(2) offers or sells a security by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading (the buyer not knowing of the untruth or omission), and who does not sustain the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the untruth or omission, is liable to the person buying the security from him, who may sue either at law or in equity to recover the consideration paid for the security, together with interest at six percent per year from the date of payment, costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he no longer owns the security. Damages are the amount that would be recoverable upon a tender less the value of the security when the buyer disposed of it and interest at six percent per year from the date of disposition.

(b) Every person who directly or indirectly controls a seller liable under subsection (a), every partner, officer, or director of such a seller, every person occupying a similar status or performing similar functions, every employee of such a seller who materially aids in the sale, and every broker-dealer or agent who materially aids in the sale are also liable jointly and severally with and to the same extent as the seller, unless the non-seller who is so liable sustains the burden of proof that he did not know, and in exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(c) Any tender specified in this Section may be made at any time before entry of judgment.

(d) Every cause of action under this Statute survives the death of any person who might have been a plaintiff or defendant.

(e) No person may sue under this Section more than two years after the contract of sale. No person may sue under this Section (1) if the buyer received a written offer, before suit and at a time when he owned the security, to refund the consideration paid together with interest at six percent per year from the date of payment, less the amount of any income received on the security, and he failed to accept the offer within thirty days of its receipt, or (2) if the buyer received such an offer before suit and at a time when he did not own the security, unless he rejected the offer in writing within thirty days of its receipt.

(f) No person who has made or engaged in the performance of any contract in violation of any provision of this Act or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract.

(g) Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this Act or any rule or order hereunder is void.

(h) The rights and remedies provided by this Act are in addition to any other rights or remedies that may exist at law or in equity, but this Act does not create any cause of action not specified in this Section or Section 4(e).

### **Judicial Review of Orders**

#### **Section 23.**

(a) Any person aggrieved by a final order of the Secretary of State may obtain a review of the order in the Wyoming District Court by filing in court, within sixty days after the entry of the order, a written petition praying that the order be modified or set aside in whole or in part. A copy of the petition shall be forthwith served upon the Secretary of State, and thereupon the Secretary of State shall certify and file in court a copy of the filing and evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce, or set aside the order, in whole or in part. The findings of the Secretary of State as to the facts, if supported by competent, material and substantial evidence, are conclusive. If either party applies to the court for leave to adduce additional material evidence, and shows to the satisfaction of the court that there were reasonable grounds for failure to adduce the evidence in the hearing before the Secretary of State, the court may order the additional evidence to be taken before the Secretary of State and to be adduced upon the hearing in such manner and upon such conditions as the court considers proper. The Secretary of State may modify his findings and order by reason of the additional evidence and shall file in court the additional evidence together with any modified or new findings or order. The judgment of the court is final, subject to review by the Wyoming Supreme Court.

(b) The commencement of proceedings under subsection (a) does not, unless specifically ordered by the court, operate as a stay of the Secretary of State's order.



**Rules; Forms; Orders and Hearings****Section 24.**

(a) The Secretary of State may from time to time make, amend, and rescind such rules, forms and orders as are necessary to carry out the provisions of this Act, including rules and forms governing registration statements, applications, and reports, and defining any terms, whether or not used in this Act, insofar as the definitions are not inconsistent with the provisions of this Act. For the purpose of rules and forms, the Secretary of State may classify securities, persons, and matters within his jurisdiction, and prescribe different requirements for different classes.

(b) No rule, form, or order may be made, amended, or rescinded unless the Secretary of State finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this Act. In prescribing rules and forms the Secretary of State may cooperate with the securities administrators of the other states and the Securities and Exchange Commission with a view to effectuating the policy of this Statute to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable.

(c) The Secretary of State may by rule or order prescribe (1) the form and content of financial statements required under this Act, (2) the circumstances under which consolidated financial statements shall be filed, and (3) whether any required financial statements shall be certified by independent or certified public accountants. All financial statements shall be prepared in accordance with generally accepted accounting practices.

(d) All rules and forms of the Secretary of State shall be published.

(e) No provision of this Act imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form, or order of the Secretary of State, notwithstanding that the rule, form, or order may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(f) Every hearing in an administrative proceeding shall be public unless the Secretary of State in his discretion grants a request joined in by all the respondents that the hearing be conducted privately.

**Public Records; Opinions****Section 25.**

(a) A document is filed when it is received by the Secretary of State.

(b) The Secretary of State shall keep a register of all applications for registration and registration statements which are or have ever been effective under this Act and all denial, suspension, or revocation orders which have ever been entered under this Act. The register shall be open for public inspection.

(c) The information contained in or filed with any registration statement, application, or report may be made available to the public under such rules as the Secretary of State prescribes.

(d) Upon request and at such reasonable charges as he prescribes, the Secretary of State shall furnish to any person photostatic or other copies (certified under his seal of office if requested) of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under this Act, any copy so certified is prima facie evidence of the contents of the entry or document certified.

(e) The Secretary of State in his discretion may honor requests from interested persons for interpretative opinions.

#### **Scope of Act; Service of Process**

##### **Section 26.**

(a) Sections 1, 3(a), 7, 17, and 22 apply to persons who sell or offer to sell when (1) an offer to sell is made in this State, or (2) an offer to buy is made and accepted in this State.

(b) Sections 1, 3(a), and 17 apply to persons who buy or offer to buy when (1) an offer to buy is made in this State, or (2) an offer to sell is made and accepted in this State.

(c) For the purpose of this Section, an offer to sell or to buy is made in this state, whether or not either party is then present in this state, when the offer (1) originates from this state or (2) is directed by the offeror to this state and received at the place to which it is directed (or at any post office in this state in the case of a mailed offer).

(d) For the purpose of this Section, an offer to buy or to sell is accepted in this state when acceptance (1) is communicated to the offeror in this state and (2) has not previously been communicated to the offeror, orally or in writing, outside this state; and acceptance is communicated to the offeror in this state, whether or not either party is then present in this state, when the offeree directs it to the offeror in this state reasonably believing the offeror to be in this state and it is received at the place to which it is directed (or at any post office in this state in the case of a mailed acceptance).

(e) An offer to sell or to buy is not made in this state when (1) the publisher circulates or there is circulated on his behalf in this state any bona fide newspaper or other publication of general, regular, and paid circulation which is not published in this state, or which is published in this state but has had more than two-thirds of its circulation outside this state during the past twelve months, or (2) a radio or television program originating outside this state is received in this state.

(f) Section 2 applies when any act instrumental in effecting prohibited conduct is done in this state, whether or not either party is then present in this state.

(g) Every applicant for registration under this Act and every issuer which proposes to offer a security in this state through any person acting on an agency basis in the common-law sense shall file

with the Secretary of State, in such form as he by rule prescribes, an irrevocable consent appointing the Secretary of State or his successor in office to be his attorney to receive service of any lawful process in any non-criminal suit, action, or proceeding against him or his successor executor or administrator which arises under this Act or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. Service may be made by leaving a copy of the process in the office of the Secretary of State, but it is not effective unless (1) the plaintiff, who may be the Secretary of State in a suit, action, or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered mail to the defendant or respondent at his last address on file with the Secretary of State and (2) the plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

(h) When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this Act or any rule or order hereunder, and he has not filed a consent to service of process under subsection (g) and personal jurisdiction over him cannot otherwise be obtained in this state, that conduct shall be considered equivalent to his appointment of the Secretary of State or his successor in office to be his attorney to receive service of any lawful process in any non-criminal suit, action, or proceeding against him or his successor executor or administrator which grows out of that conduct and which is brought under this Act or any rule or order hereunder, with the same force and validity as if served on him personally. Service may be made by leaving a copy of the process in the office of the Secretary of State, and it is not effective unless (1) the plaintiff, who may be the Secretary of State in a suit, action, or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered mail to the defendant or respondent at his last known address or takes other steps which are reasonably calculated to give actual notice, and (2) the plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

(i) When process is served under this Section, the court, or the Secretary of State in a proceeding before him, shall order such continuance as may be necessary to afford the defendant or respondent reasonable opportunity to defend.

#### **Statutory Policy**

**Section 27.** This Act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it and to coordinate the interpretation and administration of this Act with the related federal regulation.

#### **Short Title**

**Section 28.** This Act may be cited as the Uniform Securities Act.

**Severability Clause**

**Section 29.** If any provision of this Act or the application thereof to any person or circumstances is held invalid the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are severable.

**Sections Repealed; Transactions Preserved; When Prior Law Applies****Section 30.**

(a) Sections 17-102 through 17-117, Wyoming Statutes 1957, are repealed except as saved in this Section.

(b) Prior law exclusively governs all suits, actions, prosecutions, or proceedings which are pending or may be initiated on the basis of facts or circumstances occurring before the effective date of this Act, except that no civil suit or action may be maintained to enforce any liability under prior law unless brought within any period of limitation which applied when the cause of action accrued and in any event within two years after the effective date of this Act.

(c) All effective registrations under prior law, all administrative orders relating to such registrations, and all conditions imposed upon such registrations remain in effect so long as they would have remained in effect if this Act had not been passed. They are considered to have been filed, entered, or imposed under this Act, but are governed by prior law.

(d) Prior law applies in respect of any offer or sale made within one year after the effective date of this Act pursuant to an offering begun in good faith before its effective date on the basis of an exemption available under prior law.

(e) Judicial review of all administrative orders as to which review proceedings have not been instituted by the effective date of this Act are governed by Section 23, except that no review proceeding may be instituted unless the petition is filed within any period of limitation which applied to a review proceeding when the order was entered and in any event within sixty days after the effective date of this Act.

Approved March 1, 1965

**CHAPTER 161**

Original Senate File No. 169

**LIFE INSURANCE COMPANIES—STATEMENT OF OWNERSHIP**

AN ACT requiring officers, directors and principal stockholders of domestic stock insurance companies to file statements of ownership with the insurance commissioner; preventing unfair use of information obtained by said persons; providing that certain sales of stock are unlawful; providing for the regulation of proxies, consents or authorizations; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Who Must File; When and Where Filed**

**Section 1.** Every person who is directly or indirectly the beneficial owner of more than ten percent of any class of any equity security of a domestic stock insurance company or who is a director or an officer of such company shall file in the office of the insurance commissioner on or before the thirty-first day of January, nineteen hundred sixty-six, or within ten days after he becomes such beneficial owner, director or officer a statement, in such form as the insurance commissioner may prescribe, of the amount of all equity securities of such company of which he is the beneficial owner, and within ten days after the close of each calendar month thereafter, if there has been a change in such ownership during such month, shall file in the office of the insurance commissioner a statement, in such form as the insurance commissioner may prescribe, indicating his ownership at the close of the calendar month and such changes in his ownership as have occurred during such calendar month.

**Profit to be Recoverable; Suit**

**Section 2.** For the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director or officer by reason of his relationship to such company, any profit realized by him from any purchase and sale, or any sale and purchase, of any equity security of such company within any period of less than six months, unless such security was acquired in good faith in connection with a debt previously contracted, shall inure to and be recoverable by the company, irrespective of any intention on the part of such beneficial owner, director or officer in entering into such transaction of holding the security purchased or of not repurchasing the security sold for a period exceeding six months. Suit to recover such profit may be instituted in any court of competent jurisdiction by the company, or by the owner of any security of the company in the name and in behalf of the company if the company shall fail or refuse to bring such suit within sixty days after request or shall fail diligently to prosecute the same thereafter; but no such suit shall be brought more than two years after the date such profit was realized. This section shall not be construed to cover any transaction where such beneficial owner was not such both at the time of the purchase and sale, or the sale and purchase, of the security involved, or any transaction or transactions which the insurance commissioner by rules and regulations may exempt as not comprehended within the purpose of this section.

**Certain Sales Prohibited**

**Section 3.** It shall be unlawful for any such beneficial owner, director or officer, directly or indirectly, to sell any equity security of such company if the person selling the security or his principal (a) does not own the security sold, or (b) if owning the security, does not deliver it against such sale within twenty days thereafter, or does not within five days after such sale deposit it in the mails or other usual channels of transportation; but no person shall be deemed to have violated this section if he proves that notwithstanding the exercise of good faith he was unable to make such delivery or deposit within such time, or that to do so would cause undue inconvenience or expense.

**Rules and Regulations to Conform to NAIC Standards**

**Section 4.** The insurance commissioner shall establish, and from time to time amend, regulations with regard to proxies, consents, or authorizations in respect of securities issued by any domestic insurer, such regulations to conform to those prescribed by the National Association of Insurance Commissioners.

**Exemptions from Act**

**Section 5.** The provisions of Section 2 of this Act shall not apply to any purchase and sale, or sale and purchase, and the provisions of Section 3 of this Act shall not apply to any sale, of an equity security of a domestic stock insurance company not then or theretofore held by him in an investment account, by a dealer in the ordinary course of his business and incident to the establishment or maintenance by him of a primary or secondary market (otherwise than on an exchange as defined in the Securities Exchange Act of 1934) for such security. The insurance commissioner may, by such rules and regulations as he deems necessary or appropriate in the public interest, define and prescribe terms and conditions with respect to securities held in an investment account and transactions made in the ordinary course of business and incident to the establishment or maintenance of a primary or secondary market.

**Certain Arbitrage Transactions Exempt**

**Section 6.** The provisions of Sections 1, 2 and 3 of this Act shall not apply to foreign or domestic arbitrage transactions unless made in contravention of such rules and regulations as the insurance commissioner may adopt in order to carry out the purposes of this Act.

**Definition of "Equity Security."**

**Section 7.** The term "equity security" when used in this Act means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the insurance commissioner shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as he may prescribe in the public interest or for the protection of investors, to treat as an equity security.

**Exemptions for Certain Domestic Companies**

**Section 8.** The provisions of Sections 1, 2, 3 and 4 of this Act shall not apply to equity securities of a domestic stock insurance company if (a) such securities shall be registered, or shall be required to be registered, pursuant to Section 12 of the Securities Exchange Act of 1934, as amended, or if (b) such domestic stock insurance company shall not have any class of its equity securities held of record by one hundred or more persons on the last business day of the year next preceding the year in which equity securities of the company would be subject to the provisions of Sections 1, 2, 3 and 4 of this Act except for the provisions of this Subsection (b).

**Rules and Regulations for Administration of Act**

**Section 9.** The insurance commissioner shall have the power to make such rules and regulations as may be necessary for the execution of the functions vested in him by Sections 1 through 8 of this Act, and may for such purpose classify domestic stock insurance companies, securities, and other persons or matters within his jurisdiction. No provision of Sections 1, 2, 3 and 4 of this Act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the insurance commissioner, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or determined by judicial or other authority to be invalid for any reason.

**Section 10.** This Act shall take effect January 1, 1966.

Approved March 1, 1965

**CHAPTER 162**

Original Senate File No. 156

**STATE BOARD OF MEDICAL EXAMINERS**

AN ACT to amend and re-enact Section 33-328, Wyoming Statutes 1957, relating to qualifications, appointment and term of the State Board of Medical Examiners.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Members; Qualifications**

**Section 1.** That Section 33-328, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

The governor, by and with the consent of the senate, shall appoint five (5) regularly licensed physicians of the State of Wyoming, who shall constitute the state board of medical examiners initially. One member of such board shall be appointed for a term of two years, two members for a term of three years and two members for a term of four years, thereafter each term shall be four years.

One such regularly licensed physician member shall possess the degree of doctor of osteopathy. Any vacancy which may occur in said board from any cause shall be filled by appointment of the governor, and the physician so appointed shall hold his office until the expiration of the term.

Approved March 1, 1965

**CHAPTER 163**

Original House Bill No. 49

**HIGHWAY PATROL EXPENSES**

AN ACT to amend and re-enact Section 31-11, Wyoming Statutes 1957, as amended by Section 1, Chapter 152, Session Laws of Wyoming 1963, relating to the cost and expense of the State Highway Patrol; and providing an effective date for this Act.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Paid from Highway Fund; Maximum to be Spent; Patrolmen**

**Section 1.** That Section 31-11, Wyoming Statutes 1957, as amended by Section 1, Chapter 152, Session Laws of Wyoming 1963, is hereby amended and re-enacted to read as follows:

The cost and expense of carrying out the provisions of this Act, shall be paid out of the state highway fund, in an amount not to exceed Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000) for the biennium ending June 30, 1967. The state highway superintendent and the state highway commission are hereby directed to use the funds provided for herein to employ, maintain, equip and supply not less than eighty-five (85) patrolmen.

**Section 2.** This Act shall take effect and be in force from and after July 1, 1965.

Approved March 1, 1965

**CHAPTER 164**

Original Senate File No. 150

**DISSOLUTION OF NON-PROFIT CORPORATIONS**

AN ACT providing that a non-profit corporation organized and existing under the laws of the State of Wyoming prior to June 1, 1959, may voluntarily dissolve under the procedure outlined in Section 9, Chapter 189, Session Laws of Wyoming 1959.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Procedure**

**Section 1.** That non-profit corporations organized and existing under the laws of the State of Wyoming prior to June 1, 1959, whether said corporations have or have not elected to become a corporation under Chapter 189, Session Laws of Wyoming 1959, may voluntarily dissolve under the procedure as provided for in Section 9, Chapter 189, Session Laws of Wyoming 1959.

Approved March 1, 1965



**CHAPTER 165**

Original Senate File No. 104

**ASSAULT WITH DANGEROUS WEAPON**

AN ACT amending and re-enacting Subsection B, Section 6-70, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 47, Session Laws of Wyoming 1961, relating to the crime of assault and battery with a dangerous or deadly weapon, providing that an assault with a dangerous or deadly weapon is a felony; and providing a penalty.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Crime Defined; Penalty**

**Section 1.** That Subsection B, Section 6-70, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 47, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

B. Whoever, while armed with a dangerous or deadly weapon, maliciously perpetrates an assault or an assault and battery upon any human being, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned in the penitentiary not more than fourteen (14) years, or both.

Approved March 1, 1965

**CHAPTER 166**

Original Senate File No. 111

**WYOMING BAR ASSOCIATION FEES**

AN ACT amending and re-enacting Subsection (D), Section 5-22, Wyoming Statutes 1957, relating to the Supreme Court of Wyoming, providing that the court can adopt a schedule of fees to be paid by members of the bar; amending and re-enacting Section 33-55, Wyoming Statutes 1957, relating to the payment of annual license fees by members of the state bar, providing that such fees shall be set by the Supreme Court; excepting honorary and retired members; and changing the fiscal year of the state bar.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Maximum Fee**

**Section 1.** That Subsection (D), Section 5-22, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(D) Fixing the schedule of fees to be paid for the purpose of administering this Act, and rules and regulations to be prescribed, adopted and promulgated hereunder for the collection and disbursement of such fees, provided, that the annual fees shall not exceed the sum of Thirty-five Dollars (\$35.00).

**Bar Members to Pay License Fee; Amount;  
Default in Payment; Fiscal Year**

**Section 2.** That Section 33-55, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

All members of the state bar, shall, on or before the second week of October, 1965, and annually thereafter, pay to the treasurer of the state bar, as a license fee for the ensuing year, a sum not to exceed Thirty-five Dollars (\$35.00) to be set by the Supreme Court of the State of Wyoming after receiving the recommendation and advice of the board of commissioners of the Wyoming state bar; provided that if any member has been admitted to practice law in this or some other state for a time less than five years, then said license fee shall be one-half of the regular license fee. Provided further that honorary and retired members may be exempted completely from the payment of any fees or allowed to pay less than the regular license fee in the discretion of the Wyoming state bar. Such fees shall constitute a fund to be held and disbursed by the treasurer upon order of the board. As soon as practicable after the second week in September in each year, the secretary-treasurer shall send a written statement to each member of the state bar. If any member remains in default on the first day of December of any year, the secretary-treasurer shall forthwith certify to the judge of the district court of the judicial district wherein such delinquent member resides the name of such member. The judge shall forthwith issue against such member a citation returnable twenty days thereafter to show cause why such delinquent member should not be suspended from the practice of law in this State. If good cause be not shown in response to such citation, such delinquent member shall be suspended while in default of payment and an order of suspension shall issue forthwith and be certified to the supreme court; provided that if upon the hearing, the judge of the district court shall determine that the member in default is unable to pay his license fee, then the judge may remit or suspend in whole or in part the payment of such license fee for that year by order duly entered and certified to the supreme court. The fiscal year of the state bar shall be from October 1 through September 30.

Approved March 1, 1965

## CHAPTER 167

Original Senate File No. 19

### REMOVAL OF MORTGAGED PROPERTY

AN ACT to amend and re-enact Section 6-149, Wyoming Statutes 1957, relating to disposal of mortgaged property, with intent to deprive the mortgagee or secured party of the security; providing that the term mortgaged property shall include security agreements and financing statements; providing that receipt of a payment or payments after property has been removed without the written consent of the mortgagee or secured party shall not be deemed consent in writing; and providing for a penalty.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Removing Property Unlawful; Penalty

Section 1. Section 6-149, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(a) Any person who, after having conveyed any goods, chattels, personal property, rights or privileges to another, by mortgage, bond, conveyance or instrument intended to operate as a mortgage, including security agreements and financing statements, whether of record or otherwise, shall, during the existence of the lien created thereby, sell or attempt to sell, or dispose of the said property, rights, or privileges, or any part thereof, to any person or persons, or corporation, without first procuring the written consent of the mortgagee or secured party thereof to such sale, or shall remove or attempt to remove such mortgaged property, or any part thereof, out of the jurisdiction of the district court of the county wherein such property was at the time such mortgage, security agreement or financing statement was given, with intent to deprive the mortgagee or secured party of his security, without first obtaining the consent in writing of the mortgagee or secured party thereof to such removal, shall be deemed guilty of a felony and on conviction thereof, shall be imprisoned in the penitentiary for a term not exceeding ten years, and be fined in a sum not exceeding five hundred dollars.

Approved March 1, 1965

## CHAPTER 168

Original Senate File No. 92

### WATER COMMISSIONERS

AN ACT amending and re-enacting Section 41-64, Wyoming Statutes 1957, relating to the duties of water commissioners, authorizing regulation of water distribution in ditches and reservoirs not in partnership or incorporated ownership.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Duties and Authority

Section 1. That Section 41-64, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

It shall be the duty of the said water commissioner to divide the water of the natural stream or streams of his district among the several ditches and reservoirs taking water therefrom, according to the prior right of each, respectively, in whole or in part, and to shut and fasten, or cause to be shut and fastened, the headgates of ditches, and shall regulate or cause to be regulated the controlling works of reservoirs, in times of scarcity of water, as may be necessary by reason of the priorities of right existing from said streams of his district. Such water commissioner shall have authority to regulate the distribution of water among the various users under any partnership or incorporated ditch or any ditch owned by joint owners not incorporated and not in a partnership, or partnership or incorporated reservoir or reservoir owned by joint owners not incorporated or not included in a partnership, where rights have been adjudicated, in accordance with existing decrees. Whenever, in the pursuance of his duties, the water commissioner regulates a headgate to a ditch or the controlling works of reservoirs, it shall be his duty to attach

to such headgate or controlling works a written notice, properly dated and signed, setting forth the fact that such headgate or controlling works has been properly regulated and is wholly under his control and such notice shall be a legal notice to all parties interested in the division and distribution of the water of such ditch or reservoir. It shall be the duty of the county and prosecuting attorney to appear and defend the division superintendent or any water commissioner who shall be made a defendant in any case which may arise in the pursuance of the official duties of any such officer within the county of such prosecuting attorney.

Approved March 1, 1965

## CHAPTER 169

Original Senate File No. 21

### STATUTES REVISION COMMISSION—COMPENSATION

AN ACT to amend and re-enact Subsection (b) of Section 2 of Chapter 95, Session Laws of Wyoming 1961, relating to the compensation of members of the Wyoming Statutes Revision Commission.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Salary; Per Diem

Section 1. Subsection (b) of Section 2 of Chapter 95, Session Laws of Wyoming 1961, is hereby amended and re-enacted to read as follows:

(b) All members of the commission except elected state officials shall receive the same salary and per diem as received by members of the legislature for each day actually spent in necessary and commission ordered activities and all such members shall receive statutory mileage for all necessary travel at the same rate as is allowed state officers. No commission member shall receive any other compensation for commission work.

Approved March 1, 1965

## CHAPTER 170

Original Senate File No. 140

### WYOMING FAIR EMPLOYMENT COMMISSION

AN ACT providing for the establishment of a Wyoming Fair Employment Commission for the investigation and determination of discriminatory and unfair employment practices against persons otherwise qualified because of sex, race, creed, color, national origin or ancestry; defining terms; and establishing hearing and appellate procedure; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Citation**

**Section 1.** This article may be known and may be cited as the Wyoming Fair Employment Practices Act of 1965.

**Definitions**

**Section 2.** (1) "Court" shall mean the District Court in and for the judicial district of the State of Wyoming in which the asserted unfair employment practice occurred, or, if said court be not in session at that time, then any judge of said court.

(2) "Employer" shall mean the State of Wyoming or any political sub-division or board, commission, department, institution or school district thereof, and every other person employing two or more employees within the State; but it does not mean religious organizations or associations.

(3) "Unfair employment practice" shall mean those practices specified as discriminatory or unfair in Section 5 of this Act.

(4) "Commission" shall mean the Wyoming Fair Employment Commission, created by this Article, and the term "commissioner" shall mean a member of that Commission.

**Membership**

**Section 3.** Fair Employment Commission.—membership—There is hereby created a Wyoming Fair Employment Commission, which shall consist of 3 members, who shall serve without compensation. Said membership shall be composed of the Commissioner of Labor and Statistics, who shall be chairman of the Commission; and two members who shall be appointed by the Governor with the advice and approval of the Senate for terms of 3 years. No more than one (1) of such two appointees shall be adherents of the same political party. The Governor shall make initial interim appointments to the Commission which interim appointments shall be submitted to the Senate at the first subsequent special or regular session of the State Legislature for confirmation. Vacancies occurring in the Commission for any reason shall be filled in like manner.

**Powers and Duties**

**Section 4.** Powers and duties of Commission—The Wyoming Fair Employment Commission shall have the following powers and duties:

(1) To call upon any state agency, institution, or employee, for advice, counsel, and assistance in the enforcement of this Article.

(2) To adopt, publish, amend, and rescind regulations consistent with and for the enforcement of this Article. Prior to the adoption of any regulation authorized by law, or the amendment or rescission thereof, the Commission shall as far as practicable, publish or otherwise circulate notices of its intended action and afford interested persons opportunity to submit data or views orally or in writing. The Commission shall file forthwith in the office of the Secretary of State a certified copy of each regulation adopted by it. The Secretary of State shall keep a permanent register of such regulations open to

public inspection, which rules shall be made available to officials of this State free of charge, and to other persons at a price fixed by the Secretary of State to cover publication and mailing costs.

(3) To receive, investigate, and pass upon complaints alleging discrimination in employment or the existence of a discriminatory or unfair employment practice by a person, an employer, an employment agency, a labor organization, or the employees or members thereof.

(4) To hold hearings upon any complaint made against a person, an employer, and employment agency, a labor organization, or the employees or members thereof, and to administer oaths and take the testimony of any person under oath.

(5) For the purposes of all investigation and for the purposes of the hearing or any proceeding before the Commission, the Commission shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any books, papers, documents or records which the Commission deems relevant or material to the inquiry.

(6) In case of disobedience to a subpoena the Commission may invoke the aid of any District Court in the State in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any failure to obey such order of the Court may be punished by such court as a contempt thereof.

(7) To enter into agreements, exchange information and otherwise assist the Equal Employment Opportunity Commission, and to accept from the Equal Employment Opportunity Commission reimbursement for services rendered.

### **Discriminatory and Unfair Employment Practices**

**Section 5.** Discriminatory and unfair employment practices.— It shall be a discriminatory or unfair employment practice:

(1) For an employer to refuse to hire, to discharge, to promote or demote, or to discriminate in matters of compensation against, any person otherwise qualified, because of sex, race, creed, color, national origin or ancestry.

(2) For a person, an employment agency, a labor organization, or the employees or members thereof, to discriminate in matters of employment or membership against any person, otherwise qualified, because of sex, race, creed, color, national origin or ancestry.

### **Complaints; Hearings; Procedure**

**Section 6.** Complaint — hearing — procedure — (1) Any person claiming to be aggrieved by a discriminatory or unfair employment practice may, by himself or his attorney at law, make, sign and file with the Commission a verified, written complaint in duplicate which shall state the name and address of the person, employer, employment agency or labor organization alleged to have committed the discriminatory or unfair employment practice complained of, and which shall set forth the particulars thereof and contain such other information as shall be required by the Commission. The Commission or a commissioner, may in like manner make, sign and file such complaint.

(2) If the Commission determines that the circumstances warrant, it shall issue and cause to be served a written notice requiring the respondent to answer the charges of such complaint at a hearing before the Commission.

(3) The respondent may file a written verified answer to the complaint and appear at the hearing in person, with or without counsel.

(4) The case in support of such complaint shall be presented by the complaining party, or by counsel for the complainant.

(5) Every party shall have the right of cross examination of witnesses who testify, to object to the admissibility of any evidence or testimony, and shall have the right to submit rebuttal evidence.

(6) The Commission shall prepare an official record, which shall include stenographic notes of testimony and all exhibits in each contested case, but it shall not be necessary to transcribe shorthand notes unless requested for purposes of rehearing or court review. Informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order, or default.

(7) If, upon all the evidence at a hearing, the Commission shall find that a respondent has engaged in or is engaging in, any discriminatory or unfair employment practice as defined in this Article, the Commission shall state its findings of fact and shall issue and cause to be served upon such respondent an order requiring such respondent to cease and desist from such discriminatory or unfair employment practice and to take such affirmative action, including (but not limited to) hiring, reinstatement or up-grading of employees, with or without back pay, the referring of applicants for employment by any respondent employment agency, the restoration to membership by any respondent labor organization, the posting of notices, and the making of reports as to the manner of compliance, as in the judgment of the Commission will effectuate the purposes of this Article.

(8) If, upon all the evidence at a hearing, the Commission shall find that a respondent has not engaged in any such discriminatory or unfair employment practice, the Commission shall state its findings of fact and shall issue and cause to be served an order on the complainant dismissing the complaint.

(9) The Commission may obtain a decree of the District Court for the enforcement of its orders upon showing that respondent is subject to the jurisdiction of the Commission and resides or transacts business within the county in which the petition for enforcement is brought.

#### **Judicial Review; Enforcement**

**Section 7. Judicial review and enforcement.**—(1) Any complainant or respondent aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to judicial review thereof under this Act, and the Commission may obtain an order of court for its enforcement in a proceeding as provided in this Section.

(2) Such proceeding for review shall be instituted by filing a petition in the District Court in the County wherein such alleged discriminatory or unfair employment practice occurred, or wherein any respondent required in the order to cease and desist from a discriminatory or unfair employment practice, or to take other affirmative action, resides or transacts business. Such petition for review shall be initiated by filing of a petition in such court within thirty days after the service of a copy of the final decision of the Commission upon petitioner. Copies of the petition for review shall be served upon all parties of record. The Court, in its discretion, may permit other parties to intervene.

(3) The filing of the petition shall not stay enforcement of the Commission's decision; but the Commission may do so, or the reviewing Court may order a stay upon such terms, and under such conditions, as it deems proper.

(4) Within thirty (30) days after service of the petition upon all parties of record, or within such further time as the Court may allow, the Commission shall transmit to the reviewing Court the original or a certified copy of the entire record of the proceeding under review, or such portions of the record as may be designated by petitioner. The Court may require or permit subsequent corrections or additions to the record when deemed desirable.

(5) If, before the date set for hearing, application is made to the Court for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the Court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Commission, the Court may order the additional evidence be taken before the Commission upon such conditions as the Court deems proper. The Commission may modify its findings and decision by reason of the additional evidence and shall file with the reviewing Court, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

(6) The review shall be conducted by the Court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the Commission not shown in the record, testimony thereon may be taken by the Court. The Court shall, upon request, hear oral argument and receive written briefs.

(7) The Court may affirm the decision of the Commission or remand the cause for further proceedings; or it may reverse or modify the decision of the substantial rights of the petitioners may have been prejudiced because the Commission's findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional provisions; or,
- (b) in excess of the statutory authority or jurisdiction of the Commission; or,
- (c) made upon unlawful procedure; or,
- (d) affected by other error of law; or,



(e) unsupported by competent, material, and substantial evidence in view of the entire record as submitted; or,

(f) arbitrary or capricious.

(8) The Court shall have jurisdiction of the proceeding and the questions determined herein.

#### **Appeals**

**Section 8. Appeals.**—(1) An aggrieved party may secure a review of any final judgment of the District Court under this Act by appeal to the Supreme Court. Such appeal shall be taken in the manner provided by law for appeals from the District Court in other civil cases.

**Section 9. Time of taking effect.**—This Act shall take effect July 1, 1965.

Approved March 1, 1965

### **CHAPTER 171**

Original House Bill No. 395

#### **LEAVES OF ABSENCE FOR MILITARY SERVICE**

AN ACT providing leave of absence without pay for officers and employees of the State, political subdivisions, municipal corporations or other public agencies of the State when ordered into the Federal military service or inducted under the terms of the Universal Military Training and Service Act or in time of State or National emergency and specifying conditions for allowance of such leave; providing conditions for reinstatement in positions formerly held; providing for enforcement of the requirements of this Act.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **State Governmental Employees Entitled to Leave; Conditions**

**Section 1.** Subject to the conditions hereinafter prescribed, any officer or employee of the state or of any political subdivision, municipal corporation, or other public agency of the State who shall have been employed for one (1) year and who shall be a member of the national guard or any other component of the military forces of the State now or hereafter organized or constituted under State or Federal law, or who shall be a member of the reserve forces of the United States, now or hereafter organized or constituted under Federal law or who shall be inducted into the military service of the United States under the Universal Military Training and Service Act, or during a State or National emergency, shall be entitled to leave of absence from his public office or employment without pay, but without loss of seniority, status, efficiency rating, vacation, sick leave, or other benefits except as hereinafter provided, for all the time when he is engaged with such organization or component in training or active service ordered or authorized by proper authority pursuant to law, whether for State or Federal purpose, when exceeding fifteen (15) days in any calendar year. Such leave shall be in addition to any other military leave or vacation time to which the officer or

employee may be entitled by law and shall be allowed in case the required military service is satisfactorily performed, which shall be presumed unless the contrary is established.

#### **Reinstatement; Procedure**

**Section 2.** (a) Except as otherwise hereinafter provided upon the completion of such service, such officer or employee shall be reinstated in the public position which he held at the time of entry into such service, or a public position of like seniority, status and pay if such is available at the same salary which he would have received if he had not taken such leave, upon the following conditions:

(1) That the position has not been abolished or that the term thereof, if limited, has not expired;

(2) That he is not physically or mentally disabled from performing the duties of such position;

(3) That he makes a written application for reinstatement to the appointing authority within thirty (30) days following release from military service or within ninety (90) days after discharge from hospitalization or medical treatment which immediately follows the termination of, and results from, such service; provided such application shall be made within one (1) year and ninety (90) days after termination of such service notwithstanding such hospitalization or medical treatment;

(4) That he submits an honorable discharge or other form of release by proper authority indicating that his military service was satisfactory.

(5) That such military services does not exceed four (4) years (plus in each case any period of additional service imposed by law).

(b) Upon such reinstatement, the officer or employee shall have the same rights with respect to accrued and future seniority, status, efficiency rating, vacation, sick leave, and other benefits as if he had been actually employed during the time of such leave. Provided, however, that during such absence, the State of Wyoming or a political subdivision shall discontinue its share of payments for social security, insurance of any type and state retirement. Provided, further, that if the Employee elects to contribute to the State Retirement Plan during his absence and the job or office is open pending his return, the State of Wyoming or a political subdivision will likewise contribute its share. No officer or employee so reinstated shall be removed or discharged within one (1) year thereafter except for cause, after notice and hearing; but this shall not operate to extend a term of service or office limited by law.

#### **Complaint for Violation**

**Section 3.** In case any agency fails or refuses to comply with the provisions of this Act, the District Court of the State of Wyoming for the district in which a complaint arises shall have jurisdiction, upon the filing of a complaint by the person entitled to the benefits of such provisions, specifically to require such agency to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of such agency's unlawful action.

Approved March 1, 1965

**CHAPTER 172**

Original Senate File No. 59

**INSURANCE AGENTS AND BROKERS**

AN ACT amending and re-enacting Section 26-66, Wyoming Statutes 1957, relating to licensed insurance agents and brokers, authorizing local, general or special agents to act throughout the State.

*Be It Enacted by the Legislature of the State of Wyoming:*

**License Required; Fees; Qualifications; Revocation, Cancellation; Company License**

Section 1. That Section 26-66, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(a) It shall be unlawful for any insurance company to write, place or cause to be written or placed, any contract or policy of insurance covering risks located in this State, except through or by a duly authorized licensed agent of such company residing and doing business in this State; provided, that where the insured calls at the principal office of the company and requests a policy, the risk may be covered and the policy procured through the duly authorized agent in the territory wherein the risk is located.

(b) Each general agent or special agent, granted a license shall pay an annual fee of Five Dollars (\$5.00), and each local agent a fee of Two Dollars (\$2.00) for each company represented. A licensed local agent may be licensed as a general or special agent upon the payment of an additional Three Dollars (\$3.00) per annum.

(c) License years shall be from April 1st of each calendar year, to March 31st of the next calendar year. All licenses unless sooner revoked shall expire on March 31st of the license year for which they shall have been issued, and shall be renewable annually.

(d) When a licensed insurance company wishes to appoint a local agent, special agent or general agent to solicit applications for insurance in this State, or to aid or assist therein such company shall cause such local, general or special agent, or prospective agent to fill out and sign an agent's qualification form for license in such uniform form as may be required by the insurance commissioner. The insurance commissioner shall furnish upon application such forms to the company as shall have been adopted by him for that purpose.

(e) The company will file each agent's qualification form including a form for each member of the partnership or corporation, if it be such, who wishes to solicit or write insurance and when properly filled out in full and signed by any agent or prospective agent with the insurance commissioner, who shall promptly after receiving the agent's qualification form review same and if the insurance commissioner shall be satisfied that the agent or prospective agent applying for license is worthy and competent and that said applicant will hold himself out in good faith as such agent, he shall upon requisition from the company, together with proper remittance issue suitable license which shall authorize such local, general or special agent to act in such capacity throughout the State of Wyoming.

(f) Provided, that in the event the insurance commissioner deems the applicant to be unworthy or incompetent or that he will not hold himself out in good faith as an agent for such company as he may seek a license to represent, no license shall be issued and the insurance commissioner shall return the money which has been tendered in payment for such license to the company or official from which it was received, he shall at the same time state his reason for not issuing the license. Provided, in all cases that no agent shall be required to fill out more than one application during any one license year, regardless of how many companies he may represent.

(g) In the event a license has been issued to any agent the insurance commissioner may revoke and cancel the license of such agent if in his opinion such agent has violated any of the insurance laws of this State or is unworthy or incompetent or is not holding himself out in good faith as an insurance agent. Provided, no license shall be cancelled until the insurance commissioner has made an honest effort to give the agent affected an opportunity for a hearing. Notice sent to him by registered mail at his address last furnished to the insurance department shall be construed as being an honest effort to give said agent a hearing. Unless said agent can be sooner notified and opportunity for hearing be given, no license shall be cancelled until ten days after the posting by registered mail of such notice.

(h) No agent's license shall extend to the employee of an agent, but a duly licensed agent may procure at the cost of Two Dollars (\$2.00) from the insurance commissioner an agent's personal employee's license, which shall be issued to such agent for the use of such employee. Such license shall be issued to only such employees as are regularly employed by such agent, devoting all their time to such agent's business and acting under his personal direction and responsibility. Such license shall permit licensed employees to solicit and place insurance in such agent's name for such licensed agent's benefit and shall be for the use of all the companies represented by such agent. Such agent shall notify the commissioner in writing of the name and address of each person for whom such license is desired. Said notice shall be upon a form furnished by the insurance commissioner and shall be accompanied by a statement in writing by the appointee, giving such general knowledge as the appointee has of the insurance business and such other general information as the commissioner may desire. Licenses issued to agents' employees may be revoked for the violation of the insurance laws or for such causes as apply elsewhere in this Act to the revocation or suspension of licenses of agents.

(i) The insurance commissioner may upon the receipt of Ten Dollars (\$10.00) issue to any suitable person, resident in any other state, a license to act as an insurance broker to negotiate contracts of insurance or place risks or effect insurance with any qualified insurance company or its agents duly admitted and licensed to do business in this State, upon the following conditions:

(i) The applicant for such license shall file with the insurance commissioner an application which shall be in writing upon a form similar to that required of agents to be provided by the insurance commissioner, and shall in addition state that the applicant

intends to hold himself out in good faith as an insurance broker. (ii) The application shall be accompanied by a statement upon a blank furnished by the insurance commissioner as to the trustworthiness and competency of the applicant signed by at least three reputable persons. (iii) If the insurance commissioner is satisfied that the applicant is trustworthy and competent and intends to hold himself out and carry on business in good faith as an insurance broker, he shall issue to such person the license asked for. The insurance commissioner may at any time after the granting of a broker's license, for cause shown, determine that the licensee has not complied with the insurance laws, or is not trustworthy or competent, and he may thereupon revoke the license of such broker and notify him in writing, that his license has been revoked. (iv) Unless revoked by the insurance commissioner for cause, such license shall expire on the thirty-first day of March of the license year for which it is issued. In the event of revocation the same procedure shall be followed as in the cancellation of an agent's license.

(j) Whoever, for compensation, not being the licensed agent, general agent, special agent or agent's employee of the company in which any insurance is effected, acts or aids in any manner in negotiating contracts of insurance, or placing risks or effecting insurance for a person other than himself, shall be an insurance broker, and no person shall act as such broker, except as provided in the preceding paragraph of this Section.

(k) Any person soliciting insurance for any company shall be deemed an insurance agent and shall be liable to all requirements, liabilities and penalties of this law, and such company by compensating such person through any of its officers or agents or employees for soliciting, shall thereby accept and acknowledge such person as its agent in such transaction. Provided, however, that a duly licensed agent placing a risk or policy which his company or companies for any reason cannot accept, in another company doing the same kind of insurance business, shall not for such transaction be required to have an agent's license for such other company.

(l) If a note, draft or other instrument or obligation (hereinafter called time settlement) be given, taken or accepted by an agent of an insurance company for or on account of any premium or payment (or any part thereof) payable or to become payable, under any application to, or policy of insurance issued by such company, be sold, assigned or hypothecated by the agent or the company before the delivery of the policy, and the policy be not subsequently delivered, or delivery in good faith tendered, the company issuing the policy or to which application shall have been taken, shall be responsible to the maker of such time settlement for the prompt and safe return thereof and without additional cost or attorney's fees.

(m) The insurance commissioner shall keep a suitable record of all companies' agents', agents' employees' and brokers' licenses issued and shall enter thereon a record of all revocations which entry shall show the cause of such revocation and all such entries shall be preserved as a future record in the insurance department. For the purpose of assisting the insurance commissioner in keeping this record each company requesting cancellation of any agent's license and each

agent requesting cancellation of agent's personal employee's license, shall state the cause for which said cancellation is requested.

(n) Any insurance company or its agent or agents violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 and the cancellation of its authority to do business in the State of Wyoming. It is further provided in the event such company's certificate of authority has been revoked as herein provided, it may resume business upon the following conditions:

(i) That it shall by a written pledge from the directors or executive body, in authority over the officers, agree that this Section will be faithfully observed. If there be no such directors or executive body located in the United States then such pledge from the officer or officers located in the United States and having the highest authority for the company shall suffice.

(o) When the annual statement of an insurance company licensed to do business in this State shall have been filed and its check or cash for the amount of all fees and taxes required shall have been paid; the company's license to do business in this State shall thereby be automatically extended until the insurance commissioner shall duly refuse to or shall re-license such company; and when check or cash shall have been paid for renewal of an agent's license the remittance shall automatically extend the agent's license until the insurance commissioner shall duly refuse to, or shall re-license such agent.

Approved March 1, 1965

## CHAPTER 173

Original Senate File No. 162

### OUTDOOR RECREATION

AN ACT to authorize participation by the State of Wyoming and its political subdivisions in programs of Federal assistance relating to the planning and development of outdoor recreation resources and facilities, including the acquisition of lands and waters and interests therein; creating a commission known as the State Land and Water Conservation Commission; providing for the establishment of a State Land and Water Conservation Fund; and enumerating certain powers of the commission; and appropriating \$40,000.00 thereto; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Participation in Federal Program Authorized

**Section 1.** The State of Wyoming hereby assents to the provisions of the Act of Congress, entitled "Land and Water Conservation Fund Act of 1965", Public Law 88-578, 88th Congress, said Act providing for the establishment of a land and water conservation fund to assist the states in meeting present and future outdoor recreation demands and needs and for other purposes.

**State Land and Water Conservation Commission Established; Membership**

**Section 2.** There is hereby established a commission, which shall be known as the "State Land and Water Conservation Commission", hereinafter referred to as the Commission. The Commission shall be composed of twenty-one (21) members, one of whom shall be the Governor, who shall be a member ex-officio. All members of the Commission shall be appointed by the Governor, and shall serve for terms of two (2) years. Eleven of the members to be appointed by the Governor shall consist of representatives of (1) the Wyoming Game and Fish Commission, (2) the Wyoming Travel Commission, (3) the Wyoming Natural Resource Board, (4) the Board of Land Commissioners, (5) the Board of Agriculture, (6) the State Library, Archives and Historical Board, (7) the State Board of Control, (8) the State Department of Public Health, (9) the State Highway Department, (10) the State Parks Commission, and (11) the University of Wyoming. Taking into consideration municipal, recreational, industrial and rural factors, the Governor shall appoint nine additional members to the Commission. All members shall serve without compensation, but shall be paid mileage and per diem in the same manner and amount as employees and officers of the State while on official Commission business.

**Authority of Commission**

**Section 3.** The Commission is authorized to prepare, maintain and keep up to date a comprehensive plan for the development of outdoor recreation resources of the State. Further authority is hereby granted to develop, operate and maintain outdoor recreation areas and facilities of the State and to acquire land, waters and interests in land and waters for such areas and facilities. Authority is hereby granted to enter into contracts and agreements with the United States, or any appropriate agency thereof, to keep financial and other records relating thereto and to furnish to appropriate officials and agencies of the United States such reports and information as may be reasonably necessary to enable such officials or agencies to perform their duties under the provisions of Public Law 88-578. In connection with obtaining for the State of Wyoming the benefits of any such program, the Commission shall coordinate its activities with and fairly represent the interests of all agencies of the State and of county, city and other governmental units having interests in the planning, development and maintenance of outdoor recreation resources and facilities within the State.

**Federal Monies; State Share; Legislative Intent**

**Section 4.** Authority is hereby granted for the State of Wyoming and its authorized representatives to receive and to disperse Federal monies which may now and hereafter be available under the provisions of Public Law 88-578, for the acquisition, development, operation and maintenance of outdoor recreation areas and facilities of the State. All funds received as a result of state participation in the Land and Water Conservation Fund Act shall accrue to the state treasurer of the State of Wyoming, to the credit of a fund to be known as the "State Land and Water Conservation Fund", and no

such fund shall be diverted for any purpose other than the administration of the provisions of the Land and Water Conservation Fund Act. Such projects may be undertaken by the Commission only after it has been determined that sufficient funds are available to it for meeting the state's share of project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this State, under authority of this Act, such areas and facilities shall be publicly maintained for outdoor recreation purposes.

#### **Agreements**

**Section 5.** The Commission may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition and development of projects involving participation under Federal Aid funds on behalf of any county, city or other governmental unit; provided that such county, city or other local developmental unit gives necessary assurance to the Commission that it has available sufficient funds to meet its share of the cost of the project and that the acquired and developed areas will be operated and maintained at its expense for public outdoor recreation use.

#### **Appropriation**

**Section 6.** There is hereby appropriated the sum of Forty Thousand Dollars (\$40,000.00) from the General Fund, from monies not otherwise appropriated, to be credited to the State Land and Water Conservation Fund, for the purpose of carrying out the provisions of this Act.

**Section 7.** This Act shall be effective upon its passage and approval.

Approved March 1, 1965

### **CHAPTER 174**

Original House Bill No. 275

#### **STATE OIL AND GAS SUPERVISOR**

AN ACT to amend and re-enact, by substituting the words "State Oil and Gas Supervisor" for the words "State Mineral Supervisor", Section 30-218 (b), Wyoming Statutes 1957, relating to the duties of state mineral supervisor as ex officio director of oil and gas conservation; to amend and re-enact Section 30-220, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 143, Session Laws of Wyoming 1961, relating to appointment; to amend and re-enact Section 30-221 (c), Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 169, Session Laws of Wyoming 1963, relating to rules and regulations governing drilling units; to amend and re-enact Section 30-225 (a), Wyoming Statutes 1957, relating to time within which suit to be brought by person adversely affected.

*Be It Enacted by the Legislature of the State of Wyoming:*



**Duties; Bond**

**Section 1.** That Section 30-218 (b), Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(b) The State Oil and Gas Supervisor shall be ex officio the director of oil and gas conservation, and as such shall be charged with the duty of enforcing this Act and all rules, regulations, and orders promulgated by the commission. The director of oil and gas conservation with the concurrence of the commission shall have the authority, and it shall be his duty, to employ all personnel necessary to carry out the provisions of this Act. The director of oil and gas conservation shall be ex officio secretary of the Wyoming oil and gas conservation commission and shall keep all minutes and records of the commission. He shall, as secretary, give bond in such sum as the commission may direct with corporate surety to be approved by the commission, conditioned that he will well and truly account for any funds coming into his hands. The premium for said bond shall be paid by the State of Wyoming.

**Appointment; Other Employees**

**Section 2.** That Section 30-220, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 143, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

To enable the commission to carry out its duties and powers under the laws of this state with respect to conservation of oil and gas, and to enforce the rules and regulations so prescribed, the commission shall appoint one chief administrator who shall be a qualified and registered professional petroleum engineer or petroleum geologist who shall be designated and known as the "State Oil and Gas Supervisor". Such supervisor shall hold office at the pleasure of the commission and shall receive a salary, to be fixed by the commission. The State Oil and Gas Supervisor shall be charged with such duties as are delegated by the commission, and in addition thereto he shall investigate charges and complaints of violation of the laws of this state with respect to conservation of oil and gas, and any order, rules and regulations of the commission made in connection therewith, and report concerning all such violations to the commission. The commission may at any time, when it finds that the public interest will be served thereby appoint such other employees as are found to be necessary, to assist the commission and the State Oil and Gas Supervisor in the discharge of their respective duties. All employees or assistants authorized by this Act shall be paid their necessary traveling and living expenses when traveling on official business, at such rates and within such limits as may be fixed by the commission, subject to existing law.

**Restrictions on Oil and Gas Wells**

**Section 3.** That Section 30-221 (c), Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 169, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

(c) Restriction upon number, etc., of wells. Subject to the provisions of this Act, the order establishing drilling units shall direct that no more than one (1) well shall be drilled to and produced from

the common source of supply on any unit, and that the well shall be drilled at a location authorized by the order, with such exception as may be reasonably necessary where the drilling unit is located on the edge of a pool or field and adjacent to a producing unit, or, for some other reason, the requirement to drill the well at the authorized location on the unit would be inequitable or unreasonable. Application for an exception shall be filed with the State Oil and Gas Supervisor, and may be granted by him where it is shown that good cause for such exception exists, and that consent to such exception has been given by the owners of all drilling units directly or diagonally offsetting the drilling unit for which an exception is requested, and, as to lands upon which drilling units have not been established, by the owners of those lands which would be included in directly or diagonally offsetting drilling units under said order, if said order were extended to include such additional lands. Where an exception is not granted by the State Oil and Gas Supervisor, or where an objection to the action of the State Oil and Gas Supervisor is filed with the commission within 10 days after he has granted or denied the application, no well shall be drilled on said drilling unit except in accordance with the order establishing drilling units, unless and until the commission shall, after notice and hearing upon the application, grant such exception.

#### **Appeal from Rule, Regulation or Order**

**Section 4.** That Section 30-225 (a), Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(a) Generally. Any person adversely affected by and dissatisfied with any rule, regulation, or order made or issued hereunder, may within ninety days after the entry thereof bring a civil suit or action against the commission or the State Oil and Gas Supervisor or both in the district court of Laramie County, or in the district court of the county in which the complaining person resides, or in the U.S. district court for Wyoming, (if it otherwise has jurisdiction) and not elsewhere, to test the validity of any provision of this Act, or rule, regulation, or order, and to secure an injunction and other appropriate relief, including all rights to appeal under applicable rules of civil procedure. Any case on appeal shall have precedence over any other case then pending in such court.

Approved March 1, 1965

### **CHAPTER 175**

Original Senate File No. 88

#### **OIL AND GAS CONSERVATION COMMISSION**

AN ACT relating to the Wyoming Oil and Gas Conservation Commission, providing for the appointment of and hearing before examiners, and providing for exceptions thereto.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Examiners**

**Section 1.** In addition to the powers and authority, either express or implied, granted to the Wyoming Oil and Gas Conservation Commission by virtue of the statutes of the State of Wyoming, the Commission is hereby authorized and empowered in prescribing its rules of order or procedure in connection with hearings or other proceedings before the commission to provide for the appointment of one (1) or more examiners to conduct a hearing or hearings with respect to any matter properly coming before the commission and to make reports and recommendations to the commission with respect thereto. Any member of the commission or its staff may serve as an examiner. The commission shall promulgate rules and regulations with regard to hearings to be conducted before examiners. In the absence of any limiting order, an examiner appointed to hear any particular case shall have the power to regulate all proceedings before him and to perform all acts and take all measures necessary or proper for the efficient and orderly conduct of such hearing, including the swearing of witnesses, receiving of testimony and exhibits offered in evidence, and shall cause a complete record of the proceeding to be made and transcribed and shall certify the same to the commission for consideration together with the report of the examiner and his recommendation in connection therewith. The commission shall base its decision rendered in any matter or proceeding heard by an examiner, upon the transcript of testimony and record made by or under the supervision of the examiner in connection with such proceeding, and such decision shall have the same force and effect as if said hearing had been conducted before the members of said commission.

**Hearings**

**Section 2.** Notwithstanding any provision of this Act, or any rule of the commission adopted pursuant to the powers granted to it by this Act, the hearing on any matter or proceeding shall be held before the commission (1) if the commission in its discretion desires to hear the matter or (2) if the application or motion so requests, or (3) if the matter is initiated on the motion of the commission for enforcement of any rule, regulation, order, or statutory provision, or (4) if any party who may be affected by the matter or proceeding files with the commission more than three days prior to the date set for the hearing on the matter or proceeding a written objection to such matter or proceeding being heard before an examiner, or (5) if the matter or proceeding is for the purpose of amending, removing or adding a statewide rule.

**Supplemental to Administrative Procedures Act**

**Section 3.** This Act shall be supplemental but subordinate to the Wyoming Administrative Procedure Act (Original House Bill No. 196, 38th Legislature) if the same is enacted.

Approved March 1, 1965

**CHAPTER 176**

Original Senate File No. 158

**MEDICAL LICENSE**

AN ACT amending and re-enacting Subsection (a), Section 33-333, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 177, Session Laws of Wyoming 1963, relating to applicants for a license to practice medicine and requirements therefor; providing for examination, license renewal and restoration fees; and providing for reciprocity licensing; and amending and re-enacting Section 33-335, Wyoming Statutes 1957, relating to fees charged for applications for certificates and examination, renewal license certificates, and restoration of licenses, and providing increases therein; and amending and re-enacting Section 33-336, Wyoming Statutes 1957, relating to reciprocity licensing and the fee therefor, and providing for an increase in the fee.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Application for License; Qualifications**

**Section 1.** That Subsection (a), Section 33-333, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 177, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

(a) (i) Every person, except as hereinafter provided, wishing to engage in the practice of medicine and surgery, or either of them, within the State, shall, immediately and prior to commencing the same, make a written application to the state medical examining board, for a license so to do. The applicant shall transmit with said application his or her diploma, together with an affidavit setting forth that said diploma is genuine and that the applicant is the rightful possessor thereof and the identical person named therein, and that the same was obtained by pursuing the regular course of study or examination in said institution and setting forth that he or she is a citizen of the United States.

(ii) The citizenship requirement may be waived and a temporary license granted on an annual basis at the discretion of the members of the Wyoming state board of medical examiners, providing the applicant successfully completes the ECFMG examination in addition to the other requirements of the Wyoming state board of medical examiners.

(iii) The applicant must apply annually for temporary licensure, must reside in and actively practice medicine in Wyoming and obtain United States citizenship within five years of the date of the original temporary licensure in order to qualify for permanent licensure.

**Fee; Renewal**

**Section 2.** That Section 33-335, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

The State Board of Medical Examiners shall receive through its secretary, applications for certificates and examination. A fee of Seventy-five Dollars (\$75) shall accompany each application. Should the applicant fail to pass the examination, he may present himself

at any time within a period of one year for another examination without the payment of an additional fee; provided, that each person now licensed or subsequently licensed by the State Board of Medical Examiners to practice medicine, surgery, or osteopathy in this State shall transmit to the secretary of the State Board of Medical Examiners, on or before the first day of April of each year, his signature and address together with the fee of Seven Dollars and Fifty Cents (\$7.50) and the number of his or her registration certificate, and receive therefor a renewal license certificate. Said renewal certificate shall be at all times properly displayed in the office of the one who is named as the holder of the license, and no person shall be deemed in legal practice who does not possess such renewal certificate. Any license granted by said Board shall be cancelled and annulled if the holder thereof fails to secure the renewal certificate herein provided for, within a period of three (3) months after April 1st of each year; provided, further, that any license thus cancelled may be restored by the Board upon the payment of a fee of Ten Dollars (\$10).

#### **Reciprocity**

**Section 3.** That Section 33-336, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Said Board may, in its discretion, accept and register, upon payment of the registration fee of Seventy-five Dollars (\$75) and without examination of the applicant, any certificate which shall have been issued to him by an examining board of the District of Columbia, or by the examining board of any state or territory of the United States, or by the national board of medical examiners; provided, however, that the legal requirements of such examining board shall be in no degree or particular less than those of Wyoming at the time when such certificate shall be presented for registration to the board created by this Chapter; and provided, further, that the provisions in this Section contained shall be held to apply only to such of said examining boards as accept and register the certificates granted by this Board to practitioners of the system represented by the Board without examination by them of the ones holding such certificates.

Approved March 1, 1965

### **CHAPTER 177**

Original Senate File No. 27

#### **INTERSTATE STREAMS COMMISSIONERS**

AN ACT to amend and re-enact Sections 41-481, 41-482, 41-483, 41-484 and 41-485, Wyoming Statutes 1957, to provide for the appointment of commissioners on joint interstate streams commissions, and providing that the Governor in certain instances may serve as one of the commissioners for Wyoming; and providing for compensation and per diem for commissioners; and designating the office of the State Engineer as a depository for records relating to interstate stream compacts; and providing for the compensation of commissioners from funds appropriated to the State Engineer's Office.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Appointment of Commissioners**

**Section 1.** That Section 41-481, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

The Governor of the State of Wyoming shall appoint any commissioners necessary to represent Wyoming on any joint commission to be composed of commissioners from Wyoming and one or more adjoining states and a duly authorized representative of the United States for the purpose of negotiating compacts or agreements between such states, or between such state and the United States, respecting the equitable division, use and distribution of the waters of any interstate stream and its tributaries flowing from or into Wyoming; provided, however, that any such compact or agreement so entered into by such states, or between such states and the United States, shall not be binding or obligatory upon any of the compacting parties thereto unless or until the same shall have been ratified and approved by the legislature of each of such states and consented to by the Congress of the United States. At his option, the Governor may serve as one of the commissioners for Wyoming in negotiating any compact or agreement respecting the equitable division, use and distribution of the waters of any interstate stream and its tributaries flowing from or into Wyoming.

**Governor May Serve**

**Section 2.** That Section 41-482, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

The Governor of Wyoming shall appoint and designate such commissioners as may be necessary to represent the State of Wyoming on all negotiated interstate compacts, unless such compacts by their terms otherwise provide. The Governor of Wyoming, at his option, may serve as a commissioner for Wyoming on any compact commission, the terms of which compact would allow such designation.

**Authority of Commissioners; Investigations**

**Section 3.** That Section 41-483, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

Any commissioner appointed to serve under the provisions of any interstate water compact or in the negotiation of an interstate water compact or any other person designated by the Governor to do so, shall have full authority to make any and all investigations of such interstate streams and the drainage area thereof which may become necessary in order to sufficiently advise him of the physical conditions obtaining upon such system, and of the present and future needs of the State of Wyoming, and its citizens to the use and benefits of the waters of such stream. To that end the Governor or any commissioner or other person designated by the Governor to conduct such investigation, shall have authority to administer oaths, examine and require the attendance of witnesses, and to perform such other duties as may be necessary to sufficiently apprise him of the facts and furnish him with adequate information in order that he may properly perform his duties as the representative of the State of Wyoming or to fully inform the designated representative of Wyoming.

**Assistant Commissioners**

**Section 4.** That Section 41-484, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

The Governor may appoint assistant commissioners to aid and assist him, or any interstate streams commissioner appointed by him, in the negotiations for determination of the equitable division of the waters of all Wyoming interstate streams, to serve only on call of the Governor.

**Mileage, Per Diem and Compensation for Commissioners**

**Section 5.** That Section 41-485, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

Each and every commissioner and assistant commissioner appointed to represent the State of Wyoming on an interstate compact or in the negotiation thereof shall be paid mileage, per diem and compensation in the same amount as provided for members of the Wyoming legislature provided, however, that State of Wyoming officers and employees shall only be reimbursed for mileage and per diem while away from their regular stations, as in other cases provided; and provided further, that the State Engineer is charged with the responsibility for expenditure of such sums as are necessary under this Act.

**Record Depository**

**Section 6.** The office of the State Engineer is hereby designated as the depository of all records, reports and materials relating to interstate streams and water compacts and the activities of all commissioners, administrators and other persons appointed by the Governor to conduct investigations of any Wyoming interstate streams or water.

Approved March 1, 1965.

**CHAPTER 178**

Original Senate File No. 93

**STATE ENGINEER — FEES**

AN ACT amending and re-enacting Sections 9-144, 41-156 and 41-158, Wyoming Statutes 1957, relating to fees charged and collected by the state engineer and secretary of the state board of control, substituting the word "page" for the word "folio", and increasing the fees charged.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Fees for Filing, Recording, Copying**

**Section 1.** That Section 9-144, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

The state engineer shall receive the following fees, which shall be collected in advance and shall be paid by him into the general fund of the state treasury as by law provided:

For filing and examining each application for permit to appropriate water or to construct a reservoir, the sum of two dollars.

For recording any water right instrument not specified above, two dollars for the first page, and one dollar for each additional page.

For making photocopies of any document recorded or filed in the state engineer's office, two dollars for the first page and one dollar for each additional page; and one dollar for each attached or unattached certificate.

#### **Secretary of Board of Control; Fees for Filing, Recording, Copying**

**Section 2.** That Section 41-156, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

The secretary of the state board of control shall collect in advance the following fees:

(1) Two dollars with each proof of appropriation of water or proof of construction of a reservoir filed with said secretary.

(2) For recording any water right instrument not specified above, two dollars for the first page, and one dollar for each additional page.

(3) For making photocopies of any document recorded or filed in the office of the state board of control, two dollars for the first page and one dollar for each additional page, and one dollar for each certificate attached thereto.

#### **Fees for Transcripts, etc.**

**Section 3.** That Section 41-158, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

The secretary of the board of control shall collect the following fees, which shall be paid in advance, and turned over to the state treasurer, for making certified transcripts of the records of the board of control or of papers or documents filed with said board, two dollars for the first page and one dollar for each additional page. For attaching certificate and seal of the board to each transcript, one dollar.

Approved March 1, 1965.

## **CHAPTER 179**

Original Senate File No. 5

### **WYOMING COMPILATION COMMISSION**

AN ACT authorizing and directing the Wyoming compilation commission to contract for and publish supplements, replacement volumes, and additional sets for the Wyoming Statutes; providing for the distribution thereof by the secretary of state; providing for the purchase and distribution of supplements to the Wyoming Digest; providing that the cost of these publications be paid by the Wyoming compilation commission; repealing Sections 8-7, 8-8, 8-9 and 8-10, Wyoming Statutes 1957, pertaining to cumulative supplements for the Wyoming Compiled Statutes, 1945; providing for an emergency appropriation of Sixty-three Thousand Two Hundred and Twelve Dollars (\$63,212.00) and a general appropriation of Thirty-four Thousand Dollars (\$34,000.00) for the 1965-1967 biennium; and providing an effective date.



*Be It Enacted by the Legislature of the State of Wyoming:*

**To Publish Statutes, Supplements, etc.**

**Section 1.** The Wyoming compilation commission is authorized and directed to contract for and publish cumulative supplements to the Wyoming Statutes after each regular session of the legislature; to re-determine from time to time the physical arrangement, size of volumes and number of volumes of the Wyoming Statutes; to contract for and publish such replacement volumes as may be deemed necessary by this commission; and to contract for and publish additional sets of the Wyoming Statutes.

**Secretary of State to Distribute; Price**

**Section 2.** The secretary of state shall distribute the cumulative supplements and replacement volumes according to the table of disposition of the Wyoming Statutes of 1957, and shall offer for sale and sell the remainder of said cumulative supplements and extra sets and replacement volumes at a price to be determined by the Wyoming compilation commission. All proceeds of such sales shall be covered into the state treasury and credited to the general fund.

**Wyoming Digest Supplement**

**Section 3.** The secretary of state is hereby authorized and directed to purchase pocket supplements to the Wyoming Digest for distribution to such state agencies, departments and libraries as the Wyoming compilation commission may direct.

**Emergency Appropriation**

**Section 4.** There is hereby made an emergency appropriation out of any funds in the State Treasury, not otherwise appropriated in the sum of Sixty-three Thousand Two Hundred and Twelve Dollars (\$63,212.00), or so much thereof as may be necessary, to the Wyoming Compilation Commission for the purpose of carrying out the provisions of this Act.

**Appropriation for 1965-67 Biennium**

**Section 5.** There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of Thirty-four Thousand Dollars (\$34,000.00) or so much thereof as may be necessary, to the Wyoming Compilation Committee for the purpose of carrying out the provisions of this Act for the 1965-1967 biennium.

**Sections Repealed**

**Section 6.** Sections 8-7, 8-8, 8-9, and 8-10 Wyoming Statutes 1957, are hereby repealed.

**Section 7.** This bill shall take effect and be in force from and after its passage and approval.

Approved March 1, 1965.

**CHAPTER 180**

Original Senate File No. 28

**WATER RIGHTS — PROOF OF APPROPRIATION**

AN ACT to amend and re-enact Section 41-211, Wyoming Statutes, 1957, relating to procedures upon final proof of appropriation of water.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Procedure**

**Section 1.** That Section 41-211, Wyoming Statutes, 1957, be amended and re-enacted to read as follows:

Whenever an appropriation of water has been perfected in accordance with any permit issued by the State Engineer, the appropriator may submit final proof of appropriation of water at any time within the time specified by Section 41-206, Wyoming Statutes, 1957, before the superintendent of the water division in which the water right involved is situated, or, when more expedient, before the superintendent of another water division or the State Engineer, or before a water commissioner in accordance with the provisions of Section 41-172, Wyoming Statutes, 1957. Proof shall be made by appropriators under oath before any such officer and upon forms furnished by the State Board of Control. For the purpose of receiving such proofs as appropriators may wish to submit, the superintendent of each of the water divisions of the State shall make at least one comprehensive schedule trip over his division each year, stopping at such places as will in his opinion be of most convenience to the water appropriators. The superintendent shall also take proofs of appropriation of water at such other times and places as may be found expedient. The State Board of Control is hereby authorized to make such further rules and regulations as the Board may deem advisable. The superintendent shall collect for each proof taken a fee of two dollars, which fee shall be transmitted to the secretary of the Board of Control together with the several proofs taken. One dollar of this fee shall be turned over by said secretary to the State Treasurer to the credit of the fund provided for the maintenance of the Board of Control, and one dollar of which shall be used by the secretary of the Board to pay for the recording of the certificate of appropriation in the office of the County Clerk of the county in which the water right is situated. Provided, that in the event the Board of Control should reject any proof made as aforesaid, this latter dollar shall by the secretary of the Board be returned to the person, association or corporation submitting such proof. At least thirty days prior to any regular meeting of the State Board of Control the superintendent of each water division shall cause all proofs taken by him as aforesaid, to be advertised in at least one issue of a newspaper having general circulation in the community where the water right involved is situated, such advertisement to contain in each case the permit number, the date of priority, the name of the ditch, canal or reservoir, the name of the appropriator, the name of the stream from which the appropriation is made, and the amount of the appropriation expressed in acres for ditches designed for the irrigation of lands and in acre-feet for reservoirs, or in cubic feet per second or gallons per minute when the appropriation is for domestic, stock, municipal, industrial, manufacturing, fish hatchery,

or power purposes. Such advertisement shall state the time when, and the place where, the proofs of appropriation of water taken by the superintendent will be open for public inspection, and such time shall be for a period of not less than one or more than five days, and the last day of the period shall not be less than fifteen days prior to the meeting of the said Board. Any party who may claim an interest in any water right from the stream or streams to which the advertised proofs refer, shall have the right to contest against any of the proposed adjudications according to the provisions of Sections 41-176 to 41-179, Wyoming Statutes, 1957, inclusive. Upon the completion of the taking of proofs of appropriation and the advertising of same as aforesaid, the superintendent of each water division shall forthwith transmit to the office of the State Board of Control in Cheyenne the several proofs taken, together with fees collected, and shall accompany same with affidavits of publication as evidence of the required advertisement thereof. At its next regular meeting the said Board shall consider all proofs of appropriation received from the division superintendents and if satisfied that there are no conflicts and that any appropriation involved has been perfected in accordance with the permit issued by the State Engineer, it shall be the duty of the said State Board of Control by the hand of its president, attested under the seal by the secretary of the Board, to issue a certificate of appropriation of water of the same character as that described in Section 41-189, Wyoming Statutes, 1957, and to send said certificate to the County Clerk of the county in which the use of water has been made, which said certificate shall be recorded in the office of the said County Clerk as provided in said Section 41-189, Wyoming Statutes 1957.

Approved March 1, 1965.

## CHAPTER 181

Original Senate File No. 183

### INTERSTATE LIBRARY COMPACT — No. 2

AN ACT amending and re-enacting Section 1, Enrolled Act No. 37, House of Representatives of the Thirty-Eighth State Legislature of the State of Wyoming (Original House Bill No. 199), relating to the Interstate Library Compact, adding an Article XII to the compact which provides that the compact shall be liberally construed and that its provisions are severable.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Enactment of Compact; Article on Construction and Severability Added**

**Section 1.** That Section 1, Enrolled Act No. 37, House of Representatives of the Thirty-Eighth State Legislature of the State of Wyoming (Original House Bill No. 199), is amended and re-enacted to read as follows:

The Interstate Library Compact is hereby enacted into law and entered into by this State with all states legally joining therein in the form substantially as follows:

## INTERSTATE LIBRARY COMPACT

## Article I

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis, and to authorize cooperation and sharing among localities, states and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

## Article II

As used in this compact:

(a) "Public library agency" means any unit or agency of local or state government operating or having power to operate a library.

(b) "Private library agency" means any nongovernmental entity which operates or assumes a legal obligation to operate a library.

(c) "Library agreement" means a contract establishing an interstate library district pursuant to this compact or providing for the joint or cooperative furnishing of library services.

## Article III

(a) Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to the provisions of this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library agency or agencies within an interstate library district may cooperate therewith, assume duties, responsibilities and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.

(b) Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

(c) If a library agreement provides for joint establishment, maintenance or operation of library facilities or services by an inter-

or power purposes. Such advertisement shall state the time when, and the place where, the proofs of appropriation of water taken by the superintendent will be open for public inspection, and such time shall be for a period of not less than one or more than five days, and the last day of the period shall not be less than fifteen days prior to the meeting of the said Board. Any party who may claim an interest in any water right from the stream or streams to which the advertised proofs refer, shall have the right to contest against any of the proposed adjudications according to the provisions of Sections 41-176 to 41-179, Wyoming Statutes, 1957, inclusive. Upon the completion of the taking of proofs of appropriation and the advertising of same as aforesaid, the superintendent of each water division shall forthwith transmit to the office of the State Board of Control in Cheyenne the several proofs taken, together with fees collected, and shall accompany same with affidavits of publication as evidence of the required advertisement thereof. At its next regular meeting the said Board shall consider all proofs of appropriation received from the division superintendents and if satisfied that there are no conflicts and that any appropriation involved has been perfected in accordance with the permit issued by the State Engineer, it shall be the duty of the said State Board of Control by the hand of its president, attested under the seal by the secretary of the Board, to issue a certificate of appropriation of water of the same character as that described in Section 41-189, Wyoming Statutes, 1957, and to send said certificate to the County Clerk of the county in which the use of water has been made, which said certificate shall be recorded in the office of the said County Clerk as provided in said Section 41-189, Wyoming Statutes 1957.

Approved March 1, 1965.

## CHAPTER 181

Original Senate File No. 183

### INTERSTATE LIBRARY COMPACT — No. 2

AN ACT amending and re-enacting Section 1, Enrolled Act No. 37, House of Representatives of the Thirty-Eighth State Legislature of the State of Wyoming (Original House Bill No. 199), relating to the Interstate Library Compact, adding an Article XII to the compact which provides that the compact shall be liberally construed and that its provisions are severable.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Enactment of Compact; Article on Construction and Severability Added**

**Section 1.** That Section 1, Enrolled Act No. 37, House of Representatives of the Thirty-Eighth State Legislature of the State of Wyoming (Original House Bill No. 199), is amended and re-enacted to read as follows:

The Interstate Library Compact is hereby enacted into law and entered into by this State with all states legally joining therein in the form substantially as follows:

**INTERSTATE LIBRARY COMPACT****Article I**

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis, and to authorize cooperation and sharing among localities, states and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

**Article II**

As used in this compact:

- (a) "Public library agency" means any unit or agency of local or state government operating or having power to operate a library.
- (b) "Private library agency" means any nongovernmental entity which operates or assumes a legal obligation to operate a library.
- (c) "Library agreement" means a contract establishing an interstate library district pursuant to this compact or providing for the joint or cooperative furnishing of library services.

**Article III**

(a) Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to the provisions of this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library agency or agencies within an interstate library district may cooperate therewith, assume duties, responsibilities and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.

(b) Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

(c) If a library agreement provides for joint establishment, maintenance or operation of library facilities or services by an inter-

state library district, such district shall have power to do any one or more of the following in accordance with such library agreement:

1. Undertake, administer and participate in programs or arrangements for securing, lending or servicing of books and other publications, any other materials suitable to be kept or made available by libraries, library equipment or for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof.

2. Accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, (conditional or otherwise), from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and receive, utilize and dispose of the same.

3. Operate mobile library units or equipment for the purpose of rendering bookmobile service within the district.

4. Employ professional, technical, clerical and other personnel, and fix terms of employment, compensation and other appropriate benefits; and where desirable, provide for the in-service training of such personnel.

5. Sue and be sued in any court of competent jurisdiction.

6. Acquire, hold, and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service.

7. Construct, maintain and operate a library, including any appropriate branches thereof.

8. Do such other things as may be incidental to or appropriate for the carrying out of any of the foregoing powers.

#### Article IV

(a) An interstate library district which establishes, maintains or operates any facilities or services in its own right shall have a governing board which shall direct the affairs of the district and act for it in all matters relating to its business. Each participating public library agency in the district shall be represented on the governing board which shall be organized and conduct its business in accordance with provision therefor in the library agreement. But in no event shall a governing board meet less often than twice a year.

(b) Any private library agency or agencies party to a library agreement establishing an interstate library district may be represented on or advise with the governing board of the district in such manner as the library agreement may provide.

#### Article V

Any two or more state library agencies of two or more of the party states may undertake and conduct joint or cooperative library programs, render joint or cooperative library services, and enter

into and perform arrangements for the cooperative or joint acquisition, use, housing and disposition of items or collections of materials which, by reason of expense, rarity, specialized nature, or infrequency of demand therefor would be appropriate for central collection and shared use. Any such programs, services or arrangements may include provision for the exercise on a cooperative or joint basis of any power exercisable by an interstate library district and an agreement embodying any such program, service or arrangement shall contain provisions covering the subjects detailed in Article VI of this compact for interstate library agreements.

#### Article VI

(a) In order to provide for any joint or cooperative undertaking pursuant to this compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this compact shall, as among the parties to the agreement:

1. Detail the specific nature of the services, programs, facilities, arrangements or properties to which it is applicable.

2. Provide for the allocation of costs and other financial responsibilities.

3. Specify the respective rights, duties, obligations and liabilities of the parties.

4. Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

(b) No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement any power prohibited to such agency by the constitution or statutes of its state.

(c) No library agreement shall become effective until filed with the compact administrator of each state involved, and approved in accordance with Article VII of this compact.

#### Article VII

(a) Every library agreement made pursuant to this compact shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within ninety days of its submission shall constitute approval thereof.

(b) In the event that a library agreement made pursuant to this



compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorneys general pursuant to paragraph (a) of this article. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorneys general.

#### Article VIII

Nothing in this compact or in any library agreement shall be construed to supersede, alter or otherwise impair any obligation imposed on any library by otherwise applicable law, nor to authorize the transfer or disposition of any property held in trust by a library agency in a manner contrary to the terms of such trust.

#### Article IX

(a) Any public library agency party to a library agreement may appropriate funds to the interstate library district established thereby in the same manner and to the same extent as to a library wholly maintained by it and, subject to the laws of the state in which such public library agency is situated, may pledge its credit in support of an interstate library district established by the agreement.

(b) Subject to the provisions of the library agreement pursuant to which it functions and the laws of the states in which such district is situated, an interstate library district may claim and receive any state and federal aid which may be available to library agencies.

#### Article X

Each state shall designate a compact administrator with whom copies of all library agreements to which his state or any public library agency thereof is party shall be filed. The administrator shall have such other powers as may be conferred upon him by the laws of his state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact. If the laws of a party state so provide, such state may designate one or more deputy compact administrators in addition to its compact administrator.

#### Article XI

(a) This compact shall enter into force and effect immediately upon its enactment into law by any two states. Thereafter, it shall enter into force and effect as to any other state upon the enactment thereof by such state.

(b) This compact shall continue in force with respect to a party state and remain binding upon such state until six months

after such state has given notice to each other party state of the repeal thereof. Such withdrawal shall not be construed to relieve any party to a library agreement entered into pursuant to this compact from any obligation of that agreement prior to the end of its duration as provided therein.

### Article XII

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Approved March 1, 1965.

## CHAPTER 182

Original Senate File No. 45

### JURISDICTION OF POLE MOUNTAIN

AN ACT to accept retrocession of jurisdiction of the Pole Mountain District of the Medicine Bow National Forest, formerly used for military purposes in connection with the Warren Air Force Base, previously known as Fort Francis E. Warren, and to provide for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### History; Jurisdiction Returned to State

Section 1. By Section 19-90, Wyoming Statutes 1957, the Legislature of the State of Wyoming ceded exclusive jurisdiction to what was then known as Fort Francis E. Warren, now referred to as Warren Air Force Base and at the same time, exclusive jurisdiction was extended to future additions to such post. The Pole Mountain District of the Medicine Bow National Forest was set aside for military purposes by Executive Order No. 4245, dated June 5, 1925, as amended by Public Land Order No. 1897, dated July 10, 1959. Use for military purposes terminated in accordance with Public Land Order No. 2446, dated July 20, 1961.

By the Act of August 27, 1964 (Public Law 88-494, 78 Stat. 611) the Secretary of Agriculture was authorized to relinquish to the State of Wyoming such measure of legislative jurisdiction as he deemed desirable over such lands. On December 24, 1964, Orville L. Freeman, Secretary of the Department of Agriculture, United States of America, notified the Governor of the State of Wyoming that the United States relinquishes and retrocedes to the State of Wyoming

any and all legislative jurisdiction heretofor acquired by the United States over lands within the Medicine Bow National Forest constituting the area known as the Pole Mountain District, created as above stated, to take effect upon acceptance of such jurisdiction by the State of Wyoming.

#### **Acceptance**

**Section 2.** The State of Wyoming hereby accepts legislative jurisdiction over the Pole Mountain District of the Medicine Bow National Forest.

**Section 3.** This Act shall be in effect from and after its passage.

Approved March 1, 1965.

### **CHAPTER 183**

Original House Bill No. 52

#### **BOARD OF CONTROL — UNDERGROUND WATER RIGHTS**

AN ACT providing that any underground water right, properly acquired according to existing law, may be adjudicated by the State Board of Control under the procedure established by Section 41-211, Wyoming Statutes 1957.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Adjudication**

**Section 1.** After issuance of a permit, or recording of a statement of claim, or registration of a well, under the procedures provided for by law, and completion of the work according to the terms of the permit, as certified to by the State Engineer or his authorized representative following an inspection of the work, and the recording of such information as is deemed necessary concerning the works, and an inspection of the lands irrigated or of the other uses being made of the water, the Board of Control may adjudicate such underground water rights upon proof of beneficial use being submitted as provided for by Section 41-211, Wyoming Statutes of 1957.

Approved March 1, 1965.

### **CHAPTER 184**

Original House Bill No. 319

#### **GAME AND FISH LICENSES**

AN ACT to amend and re-enact Section 23-67, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 196, Session Laws of Wyoming 1959; Section 23-73, Wyoming Statutes 1957, as amended and re-enacted by Section 3, Chapter 196, Session Laws of Wyoming 1959; and Subsection (A) of Section 23-86, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 162, Session Laws of Wyoming 1961; relating to game and fish licenses and fees, to eliminate combination bird licenses, special resident two-deer licenses, and out-dated references to fees for permits or

tags for commercial photography, commercial fish-shipping, protected animals, non-resident trappers, and permits to capture beaver and fur-bearing animals for domestication or propagation; and to increase fees for bird licenses, non-resident antelope and deer permits, and resident fishing outfitters' licenses; to amend and re-enact Section 23-1, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 89, Session Laws of Wyoming 1959, by adding a subsection (k) thereto, defining small game animals; to amend and re-enact Subsection (b), Section 23-1, Wyoming Statutes 1957, relating to the definition of game animals, changing the definition to read big game animals and excluding small game animals; to amend and re-enact Subsection (a), Section 23-101, Wyoming Statutes 1957, as amended and re-enacted by Enrolled Act No. 49, House of Representatives of the Thirty-Eighth Legislature of the State of Wyoming (Original House Bill No. 65), relating to firearms to be used in hunting game animals; an prohibiting the hunting of any of the small game animals of Wyoming without having first obtained a proper license or permit from the Game and Fish Commission, providing exceptions as to residents and non-resident under fourteen years of age; providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Resident Deer, Bear License**

**Section 1.** That Section 23-67, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 196, Session Laws of Wyoming 1959, is amended and re-enacted to read as follows:

Any person who is qualified to receive a resident deer and bear license, as defined in this Act, may purchase the same from the Wyoming Game and Fish Commission or its authorized selling agents. Such license will entitle the holder thereof to hunt, pursue and kill deer and bear within the State of Wyoming at such time, in such place, in such manner and in such amount as provided by law and the rules, orders or regulations of the Commission.

#### **Resident Elk, Bear License**

**Section 2.** That Section 23-73, Wyoming Statutes 1957, as amended and re-enacted by Section 3, Chapter 196, Session Laws of Wyoming 1959, is amended and re-enacted to read as follows:

Any person who is qualified to receive a resident elk and bear license, as defined in this Act, may purchase the same from the Wyoming Game and Fish Commission, or its authorized selling agents. Such license will entitle the holder thereof to hunt, pursue and kill elk and bear within the State of Wyoming at such time, in such place, in such manner and in such amount as prescribed by law and the rules, orders or regulations of the Commission.

#### **Fees**

**Section 3.** That subsection (A), 23-86, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 162, Session Laws of Wyoming 1961, is amended and re-enacted so that it will read as follows:

(A) Every applicant qualified to receive a license or permit shall pay and each person authorized by law to issue the same shall collect a fee therefor as follows:

Resident deer and bear license	5.00
Non-resident hunting and fishing license	125.00
Resident-youth fishing license (between the 14th and 19th birthdays)	1.00
Resident fishing license	3.00
Non-resident fishing license	12.00
Tourist five-day fishing license	4.00
Resident elk and bear license	5.00
Resident bird license	2.00
Non-resident bird license	15.00
Resident mountain sheep permit	15.00
Resident moose permit	15.00
Non-resident mountain sheep permit	75.00
Non-resident moose permit	75.00
Resident bear permit (special) one bear	5.00
Non-resident bear permit (special) two bear	25.00
Resident antelope permit	5.00
Non-resident antelope permit	35.00
Permit to seine	5.00
Guide license	5.00
License to operate fish hatchery, artificial lake, or pond, commercial	25.00
Taxidermist license	10.00
Game Tags	.10
Beaver Tags	.50
Resident license to deal in raw furs	10.00
Non-resident license to deal in raw furs	100.00
Resident trapper's license, fur-bearing	3.00
Resident outfitter's license	20.00
Resident outfitter's license for fishing only	10.00
Non-resident deer permit (special)	30.00
Non-resident small-game license	5.00
Resident small-game license	1.00

#### **Cottontail Rabbits**

**Section 4.** That Section 23-1, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 89, Session Laws of Wyoming 1959, is amended and re-enacted by adding Subsection (k) to read as follows:

(k) Small game animals.—The words small game animals shall be construed to mean cottontail rabbits.

#### **Big Game Animals Defined**

**Section 5.** That subsection (b), Section 23-1, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(b) Big game animals.—The words big game animals shall be construed as meaning elk, deer, mountain sheep, wild goat, antelope, moose and bear but shall not include small game animals hereinafter defined.

#### **Hunting Weapons**

**Section 6.** That subsection (a), Section 23-101, Wyoming Statutes 1957, as amended and re-enacted by Enrolled Act No. 49, House

of Representatives of the Thirty-eighth State Legislature of the State of Wyoming (Original House Bill No. 65), is amended and re-enacted to read as follows:

(a) It shall be unlawful for any person to hunt, shoot or kill any of the big game animals of the state with any rifle or firearm except the following:

#### **Small Game Animals License**

**Section 7.** It shall be unlawful for any person of the age of fourteen (14) years or over to hunt, shoot or kill any of the small game animals of this state in any manner whatsoever without first having obtained a proper license or permit from the Wyoming Game and Fish Commission; provided, however, that no non-resident person under the age of fourteen (14) years shall hunt, shoot or kill any of the small game animals of this state without first having obtained a non-resident small game-hunting license, unless such non-resident person under the age of fourteen (14) years shall be in the company of an adult in possession of a valid unexpired Wyoming small-game hunting license in which case the non-resident person under fourteen (14) years shall not be required to possess a non-resident small-game hunting license, provided however that such person's bag limit of small game animals as established by law or by orders or regulations of the commission shall be applied to and limited by the one small-game hunting license held by the adult person in his company.

**Section 8.** This Act shall take effect on January 1, 1966.

Approved March 2, 1965.

### **CHAPTER 185**

Original Senate File No. 157

#### **CRUELTY TO ANIMALS**

**AN ACT** to amend and re-enact Section 11-545, Wyoming Statutes 1957, relating to definitions and re-defining the words "torture", "torment" and "cruelty"; to amend and re-enact Section 11-546, Wyoming Statutes 1957, relating to cruelty to animals and providing that such acts be wilful and malicious; to amend and re-enact Section 11-550, Wyoming Statutes 1957, relating to credentials, providing that officers and agents of the Wyoming Livestock and Sanitary Board and the State Veterinarian be provided with credentials; to amend and re-enact Section 11-551, Wyoming Statutes 1957, relating to authority to prevent cruelty, providing that such authority may be exercised by an agent or officer of the Livestock and Sanitary Board; to amend and re-enact Section 11-552, relating to the authority to order and make arrests, providing for such authority may be exercised by the officers and agents of the Livestock and Sanitary Board and providing that the cost of carrying, caring for and sheltering cruelly treated animals shall be re-imbursed to the Livestock and Sanitary Board; to amend and re-enact Section 11-553, Wyoming Statutes 1957, relating to authority to take charge of and provide for seized animals and vehicles, providing for officers and agents of the Livestock and Sanitary Board to exercise such authority and providing that the Board shall have a lien for the expense of care and provision; to amend and re-enact Section 11-554, Wyoming Statutes 1957, relating to the care of abandoned, neglected or cruelly treated animals, providing for officers and agents of the Livestock and Sanitary Board to take charge of such animals and providing for the collection of the cost of care and shelter therefor; to repeal Section 11-555, Wyoming Statutes 1957, to amend and re-enact Section

11-557, Wyoming Statutes 1957, relating to the destruction of animals which are diseased, injured or disabled past recovery, providing such authority to be exercised by officers or agents of the Wyoming Livestock and Sanitary Board; to provide for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Definitions**

**Section 1.** That Section 11-545, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

In this Act (11-545 to 11-559) the word "animal" shall be held to include every living dumb creature; the words "torture", "torment" and "cruelty" shall be held to include every act, omission or neglect whereby the wilful and malicious infliction of pain or suffering is caused, permitted or allowed to continue when there is a reasonable remedy or relief, and the words "owner" and "person" shall be held to include corporations, and the knowledge and acts of agents and employees of corporations in regard to animals transported, owned, employed by or in custody of a corporation shall be held to be the knowledge and acts of such corporation.

#### **Cruelty to Animals Generally; Penalty**

**Section 2.** That Section 11-546, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

Every person who overdrives, overloads, drives when overloaded, overworks, or wilfully and maliciously tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, or wilfully and maliciously and needlessly mutilates or kills, or carries in or upon any vehicle, or otherwise in a cruel or inhuman manner any animal, or causes or procures it to be done; or who, having the charge and custody of any animal, unnecessarily fails to provide it with the proper food, drink or protection from the weather, or cruelly abandons it shall upon conviction, be punished by imprisonment in the county jail not exceeding one year or by fine not less than Ten Dollars nor more than One Hundred Dollars or by both such fine and imprisonment.

#### **Livestock and Sanitary Board to have Certificates or Badge**

**Section 3.** That Section 11-550, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

Officers and agents of the Wyoming Livestock and Sanitary Board, including but not limited to the State Veterinarian and his agents shall be provided with a certificate by said Board that they are such officers and agents, in such form as the Board may choose, or with a badge bearing the name or seal of said Board, and shall, if requested, show such certificate or badge when acting officially.

#### **Authority to Prevent Cruelty; Penalty for Interference**

**Section 4.** That Section 11-551, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

Any officer or agent of the Wyoming Livestock and Sanitary Board may lawfully interfere to prevent the perpetration of any act

of cruelty upon any animal in his presence, and every person who shall interfere with or obstruct or resist any such officer or agent in the discharge of his duty shall, upon conviction, be fined not less than ten nor more than fifty Dollars, or imprisoned in the county jail notmore than thirty days.

#### **Arrests for Violations; Fees**

**Section 5.** That Section 11-552, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

Any officer or agent of the Wyoming Livestock and Sanitary Board may require the sheriff of any county, the constable of any precinct, or the marshal or any policeman of any town or city or any agent of said Board authorized by the sheriff to make arrests for the violation of this Act (11-545 to 11-559), to arrest any person found violating any of the provisions of this Act, and to take possession of any animal cruelly treated in their respective counties, cities or towns, and deliver the same to the proper agents or officers of said Board and the cost of carrying out the provisions of this Act relative to the care of any animal shall be charged as costs and the Board shall be reimbursed by the person convicted.

#### **Custody of Seized Animals and Vehicles; Lien**

**Section 6.** That Section 11-553, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

When any person arrested under the provisions of this Act (11-545 to 11-559) is, at the time of such arrest, in charge of any vehicle drawn by or containing any animal cruelly treated, any agent or officer of said Board may take charge of such animal and of such vehicle and its contents, and shall give notice thereof to the owner, if known, and shall provide for them until their owner shall take possession of the same, and the Board shall have a lien on such animals and on said vehicle and its contents for the expense of such care and provision; the expense or any part thereof remaining unpaid may be recovered by the Board in a civil action.

#### **Care of Abandoned Animals; Lien**

**Section 7.** That Section 11-554, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

Any agent or officer of the Board may lawfully take charge of any animal found abandoned, neglected or cruelly treated, and shall thereupon give notice to the owner, if known, and may care and provide for such animal until the owner shall take charge of the same; provided, however, the expenses of such care and provision shall be a charge against the owner of such animal, and collectible from such owner by said Board in an action therefor. The Board may detain such animals until the expense for food, shelter and care is paid, and shall have a lien upon such animals therefor.

#### **Section Repealed**

**Section 8.** That Section 11-555, Wyoming Statutes 1957, be repealed.



**Destruction of Animals**

**Section 9.** That Section 11-557, Wyoming Statutes 1957, be amended and re-enacted to read as follows:

Any agent or officer of the Wyoming Livestock and Sanitary Board may lawfully destroy or cause to be destroyed any animal in his charge when, in the judgment of such agent or officer, and by the written certificate of two reputable citizens called to view the same in his presence, one of whom may be selected by the owner of said animal if he shall so request, such animal appears to be injured, disabled, diseased past recovery or unfit for any useful purpose.

**Section 10.** This Act shall be in force and effect from and after the date of passage.

Approved March 3, 1965.

**CHAPTER 186**

Original Senate File No. 39

**WYOMING UNEMPLOYMENT COMPENSATION FUND**

AN ACT amending and re-enacting Section 27-28 C. IV. (i), Wyoming Statutes 1957, as amended and re-enacted by Section 10, Chapter 121, Session Laws of Wyoming 1963, requiring all employers in the State of Wyoming to pay a surtax of not exceeding five-tenths (.5%) of one percent of wages, for non-charges and ineffective charges, to the Wyoming unemployment compensation fund; providing an adjustment factor to determine the amount of the surtax to be levied; defining "ineffectively charged benefits" and "non-charged benefits"; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Surtax Rate; Adjustment Factor; Definitions**

**Section 1.** That Section 27-28 C. IV. (i), Wyoming Statutes 1957, as amended and re-enacted by Section 10, Chapter 121, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

Notwithstanding the provisions of the preceding paragraphs of this Section, all taxable payrolls for the period beginning July 1, 1963, and ending December 31, 1963, shall be subject to a surtax of five-tenths (.5%) of one percent for non-charges and ineffective charges and all monies so contributed shall be credited to the Wyoming unemployment compensation fund and the employer contribution rates for the calendar year 1964 and each year thereafter shall be subject to adjustments for non-charges and ineffective charges in accordance with this subsection.

On October 31, 1963, and each October 31 thereafter the commission shall compute an adjustment factor. Such adjustment factor shall be the quotient of the total benefits which were either non-charged or ineffectively charged to all employers' experience rating accounts during the experience rating period ending on that same October 31 divided by the total taxable wages payable during the experience period ending on that same September 30, rounded to the

nearest one-tenth (.1) of one percent, provided, such adjustment factor shall not exceed five-tenths (.5) of one percent. Said adjustment factor shall be distinct from an employer's experience rating and at no time shall the adjustment factor exceed the five-tenths (.5) of one percent, nor shall the adjustment factor be applied cumulatively. Contributions at a rate equal to such adjustment percentage so computed shall be added to the employer's contribution rate and shall be payable by each employer for the calendar year 1964 and each year thereafter.

For the purposes of this subsection, the term "ineffectively charged benefits" shall include all benefits charged to any employer's experience rating account after the previously charged benefits to such account were sufficient to qualify him for the maximum rate of contributions as set forth in the contribution rate schedule, and the term "non-charged benefits" shall include all benefits which are not charged to any employer's experience account pursuant to the provisions of Section 27-28 C. II. (c) of this Act.

**Section 2.** That this Act shall be in full force and effect from and after its passage.

Approved March 4, 1965.

## CHAPTER 187

Original House Bill No. 210

### LIMITED POWER OF ATTORNEY

AN ACT to provide, by a limited Power of Attorney, a procedure for assistance to persons unable to care for their property or personal affairs effectively because of injury, old age, senility, blindness, physical disability or mental illness falling short of insanity; and providing for filing fees.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Who May Execute; Procedure; Court Approval

**Section 1.** (a) If a resident of or person within this State desires to execute a power of attorney in anticipation or because of infirmity resulting from injury, old age, senility, blindness, disease, or other related or similar cause as a means of providing for the care of his person or property, or both, he shall sign the instrument in the presence of and with the approval of a judge of the District Court of the District in which the power is executed. The power is not invalidated by reason or any subsequent change in the mental or physical condition of the principal, including but not restricted to incompetency.

(b) The approval of the judge may be given only if:

- (1) the principal requests approval;
- (2) the attorney-in-fact consents to serve;
- (3) the judge is satisfied, after any examination and investigation he deems appropriate, that the principal is a person cover-

ed by this Act and reasonably understands the nature and purpose of the power, and that the attorney-in-fact is a suitable person to carry out the obligations imposed upon him; and

(4) the provisions of this Act have been observed.

(c) Approval may be given informally in chambers or other convenient place without the necessity of service of summons or other notice and shall be endorsed upon the face of the original of the instrument. The power remains valid until terminated as provided in this Act.

#### **Contents and Form of Power**

**Section 2. (a)** The power of attorney shall show or state;

- (1) the fact of execution under the provisions of the Act;
- (2) the time and the conditions under which the power is to become effective;
- (3) the extent and scope of the power conferred;
- (4) who is to exercise the power; and,
- (5) the annual income covered by the instrument and the nature or description and estimated value of the property, if any, to be affected; and may state the conditions and circumstances under which the power terminates.

(b) The power may be restricted or it may grant complete authority to provide for the care of the principal's person and property. Except to the extent limited by the instrument creating the power or to the extent that court approval is required by the instrument, the attorney-in-fact without prior court approval may endorse checks and other instruments made payable to the principals; may sell, encumber, lease, or otherwise manage the principal's property; and may execute and deliver deeds, conveyances, stock and bond transfers, contracts, and other instruments necessary to carry out the power.

#### **Who May be Attorney-in-Fact; Filing; Fee**

**Section 3. (a)** The attorney-in-fact may be an individual, a corporation authorized by law to act in a fiduciary capacity, and agency of government, a Community Fund or United Fund participating agency, or the American National Red Cross.

(b) The original power of attorney shall be filed in the office of the clerk of the court whose judge approves the power. A certified copy shall be filed or recorded in the office of the County Clerk of the county of the principal's residence and of each county in which real property to be affected by an exercise of the power is located.

(c) The Clerk of Court shall collect a filing fee of \$5.00 at the time of the filing of a power of attorney if the estimated gross value of the property as set forth in the power of attorney exceeds \$5,000.00 or if the annual money income exceeds \$1,000.00. If the annual money income is less than \$1,000.00 and the gross value of the property less than \$5,000.00, then no filing fee should be collected. The Clerk of Court shall record and index all powers of attorney in the same manner as papers relating to estates of incompetents are recorded and indexed.

**Limitation on Value of Property, Income**

**Section 4.** A power of attorney executed under authority of this Act which grants powers concerning property or income shall be approved only if limited to:

(1) property having a gross value not exceeding Fifty Thousand Dollars (\$50,000), excluding the capitalized value of any annual income, or

(2) an annual money income covered by the instrument not exceeding Three Thousand Dollars (\$3,000). A performance bond shall not be filed unless required by a provision of the power.

**Successor Attorney-in-Fact**

**Section 5.** If the attorney-in-fact or any successor dies, ceases to act, refuses or is unable to serve, resigns, fails to maintain or replace a bond, or is removed for cause by a court, a successor attorney-in-fact may be appointed by the principal. If the principal, without having revoked the power of attorney, fails or is unable to appoint a successor within a reasonable time, a judge of the court which approved the power may appoint a successor, unless precluded from doing so by provisions of the original power of attorney. The appointment of a successor attorney-in-fact shall be in writing. If the appointment is by the principal, it is subject to approval by a judge of the court which approved the original power. The original and certified copies of the appointment of the successor shall be filed or recorded as required for an original power of attorney.

**Termination of Power; Liability to Estate**

**Section 6.** (a) A power of attorney terminates on:

(1) written revocation by the principal;

(2) death of the principal;

(3) order of a court appointing a guardian, conservator, or committee of the person or property or both of the principal, unless the order otherwise provides;

(4) expiration or termination as specified in the power of attorney; or

(5) a determination by a judge of the approving court that the value of the property or the amount of the annual money income covered by the instrument has so increased that this Act is no longer appropriately applicable.

(b) The original resignation of an attorney-in-fact, a written revocation of the power of attorney by a principal, or a certified copy of the death certificate of the principal or of the attorney-in-fact or of any court judgment or order terminating the power of attorney or removing the attorney-in-fact for cause, shall be filed promptly in the office of the clerk of the court whose judge approved the power, and certified copies shall be filed or recorded promptly in all offices in which a certified copy of the original power of attorney is filed or recorded. A notation of the terminating event shall be made by the clerk on the face of the original power of attorney.

(c) A person dealing with the attorney-in-fact is not required to inquire into the validity or adequacy of proceedings involving an approval, filing or recording of the power of attorney, to determine if the principal or attorney-in-fact is qualified, or to determine whether the power may have been terminated if not yet shown by filing or recordation under subsection (b). He is not required to inquire into the validity or propriety of any act of an attorney-in-fact apparently authorized by his approved power, or to assure the proper application by the attorney-in-fact of any money or property paid or delivered to him.

(d) The attorney-in-fact is liable to the principal and the principal's estate for all damage and loss the principal suffers because of the attorney's acts done after the attorney received notice of the termination of his authority or after termination by provision of the power itself. After the power is terminated, he may perform ministerial acts reasonably necessary to complete and conclude his duties.

#### **Limitation on Liability**

**Section 7.** Unless otherwise provided in the power of attorney, and attorney-in-fact is not liable to his principal or his legal representative except for his intentional wrongdoing or fraud. He is not liable for any wrongdoing of parties with whom he deals in good faith.

#### **Reimbursement for Expenses and Compensation**

**Section 8.** An attorney-in-fact is entitled to reimbursement for his reasonable expenses incurred in the performance of his duties and, unless precluded by the power of attorney, to reasonable compensation for his services, payable out of the income and assets subject to the power. The amount of compensation and time of payment may be fixed in the power.

#### **Accounting to Principal**

**Section 9.** An attorney-in-fact shall account to the principal or his legal representative at time specified in the power of attorney, at any time directed by a judge of the approving court, and upon termination of the power or his authority; and he shall deliver promptly to the principal, his legal representative, or a successor attorney-in-fact all property held by him as attorney-in-fact upon termination of the power or his authority.

#### **Limitation of Act**

**Section 10.** This Act governs only powers of attorney executed under it. It does not affect powers of attorney executed under other statutes or the common law of this state.

Approved March 4, 1965

**CHAPTER 188**

Original Senate File No. 117

**SCHOOL DISTRICTS—MILL LEVY**

AN ACT to amend and re-enact Section 21-201, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 217, Session Laws of Wyoming 1961, relating to maximum mill levies for school districts of Wyoming; to amend and re-enact Section 39-58, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 217, Session Laws of Wyoming 1961, relating to maximum levies for school districts of Wyoming; to repeal Section 39-61, Wyoming Statutes 1957, as amended and re-enacted by Section 3, Chapter 217, Session Laws of Wyoming 1961, relating to maximum mill levies for school districts of Wyoming for current expenses; to amend and re-enact Section 4, Chapter 193, Session Laws of Wyoming 1963, relating to maximum mill levies for school districts of Wyoming for current expenses; and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Maximum Levy Permitted**

**Section 1.** Section 21-201, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 217, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

Every school district which may, now or hereafter, conduct a four year high school, with a course of study sufficient to prepare its pupils for admission to the state university, shall then possess and have added to its present taxing certification powers, the power to certify for levy of a tax not to exceed nine (9) mills on the dollar on all taxable property in the school district for teachers' wages and contingent expenses, and for such purpose the county commissioners of the county in which such high school is situated shall levy such tax when the amount thereof is certified as provided by law regarding other moneys voted by school districts. Any school district which does not maintain a four-year high school, with a course of study sufficient to prepare its pupils for admission to the state university, but which does pay, in accord with the law, high school tuition for its own pupils for attending such high school in another district, shall have added to its present taxing certification powers, that of certifying for not to exceed five (5) mills on the dollar on all taxable property in the school district for the payment of such high school tuition, and when so voted and certified as provided by law regarding other moneys voted by school districts, the county commissioners of the county in which such school district is located shall levy a tax therefor, but such income shall be kept in a separate fund and be used for no other purpose.

**Election to Increase Levy**

**Section 2.** Section 39-58, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 217, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

The authority of the qualified electors of any school district at the annual meeting, to vote a tax for school purposes, is hereby limited to the extent that no tax shall be voted for such purpose which shall be in excess of sixteen (16) mills upon the dollar of all taxable property of any such school district; provided, that in no event shall

any school district levy any greater tax than is reasonably necessary for the ensuing school year; provided that notice shall be given at least thirty days in advance of such election or meeting by posting written or printed notices on the front door of each and every school house in the district, except first class school districts operating under Section 9-533, Wyoming Statutes 1957. If more than fifty percent (50%) of the votes cast at such election or meeting shall be in favor of the levy, then the officers charged with levying taxes may make such levy for the year voted upon, and the school district clerk shall forward to the county clerk and the county superintendent his certificate of the school district levy and affidavit showing the number of votes cast for and against the proposed levy.

#### **Section Repealed**

**Section 3.** Section 39-61, Wyoming Statutes 1957, as amended and re-enacted by Section 3, Chapter 217, Session Laws of Wyoming 1961, is hereby repealed.

#### **Additional Levy for Current Expenses**

**Section 4.** Section 4, Chapter 193, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

Despite the limitations contained in Section 21-201, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 217, Session Laws of Wyoming 1961, and Section 39-58, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 217, Session Laws of Wyoming 1961, whenever the board of school trustees of any school district within this State shall determine that, in order to meet current expenses it is necessary to exceed the mill levy limitations contained in said sections, or all of them said board shall determine the amount of the additional levy which may be needed, not to exceed the limits hereinafter specified and the time during which such an additional levy will be needed, not to exceed four (4) years, and shall submit the question of making such additional levy to the qualified electors of said district in an election called for that purpose. Such additional levy shall not exceed:

(a) Three (3) mills upon the dollar in a district operating schools for grades one (1) through eight (8).

(b) Two (2) mills upon the dollar in a district operating schools for grades nine (9) through twelve (12).

(c) Five (5) mills upon the dollar in a district operating schools for grades one (1) through twelve (12).

The total maximum levy which may be voted by a district operating schools for grades one (1) through eight (8) shall not exceed nineteen (19) mills; by a district operating schools for grades nine (9) through twelve (12) shall not exceed eleven (11) mills; and by a district operating schools for grades one (1) through twelve (12) shall not exceed thirty (30) mills. The maximum for which the additional mill levy herein provided may be made, without re-submission to the electors of the school district, shall be four (4) years.

**Section 5.** This Act shall be in force and take effect from and after its passage.

Approved March 4, 1965

**CHAPTER 189**

Original Senate File No. 53

**SCHOOL DISTRICT RESOURCES**

AN ACT to amend and re-enact Sub-section 11, Section 21-68, Wyoming Statutes, 1957, as amended and re-enacted by Section 1, Chapter 184, Session Laws of Wyoming, 1959, relating to the reporting of monies received in lieu of taxes as a local resource in the annual computation of school district resources under the foundation program for public schools.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Other Income in Lieu of Taxes**

**Section 1.** That Sub-section 11, Section 21-68, Wyoming Statutes, 1957, as amended and re-enacted by Section 1, Chapter 184, Session Laws of Wyoming, 1959, is amended and re-enacted to read as follows:

A fractional portion of any federal funds received under Public Law 874, as amended (20 U.S.C., Chapter 13), or other income received by the district in lieu of taxes during the previous school year. The fraction to be used in making this determination shall be the qualifying mill levy over the actual special school district tax levy for the current year, provided however, if as the result of congressional action federal funds are not made available to a participating school district during any given year for 3b and 3b<sub>2</sub> students, the amount received by such district from Public Law 874 (as amended) funds or other income in lieu of taxes the preceding year shall not be included as a local resource in making the current year's calculation. All monies received under Sections 2, 3 (C) (4) and 4A, Public Law 874 (as amended), based on need shall also be excluded in making such calculation.

Approved March 4, 1965

**CHAPTER 190**

Original Senate File No. 52

**SCHOOL INTERIM FINANCING PROGRAM**

AN ACT to provide an interim financial aid program for qualifying school districts; providing a formula for computing total resources available to school districts; specifying prerequisites for additional School Foundation Fund entitlement; providing for prorated payments in the event fund income is insufficient; amending and re-enacting Subsection (1) of Section 21-67, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 193, Session Laws of Wyoming 1963, to increase the classroom unit amount under the School Foundation Program to Six Thousand Eight Hundred Dollars (\$6,800.00); providing an effective and termination date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Formula; Prerequisites to Additional Entitlements****Section 1.**

(1) Notwithstanding the computations made to determine basic



foundation fund entitlement under the provisions of Subsection 1, Section 21-69, Wyoming Statutes 1957, each school district shall additionally determine the total resources per classroom unit available to the district by totaling the following:

(a) The districts' basic foundation fund entitlement computed in accordance with Subsection 1 of Section 21-69, Wyoming Statutes 1957.

(b) The amount of local district resources as computed by totaling Subsections (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) of Section 21-68, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 184, Session Laws of Wyoming 1959, plus that fractional part not counted as a local resource in Subsections (10) and (11) of Section 21-68, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 184, Session Laws of Wyoming 1959.

(c) The amount of revenue which could be raised during the current year by application of twenty-one (21) mills times the assessed valuation of school districts educating grades one (1) through twelve (12), of thirteen and one-half ( $13\frac{1}{2}$ ) mills times the assessed valuation of elementary districts educating grades one (1) through eight (8) but which are not within a high school district, of thirteen and one-half ( $13\frac{1}{2}$ ) mills times the assessed valuation of elementary districts which educate grades one (1) through eight (8) but which are within a high school district, and of seven and one-half ( $7\frac{1}{2}$ ) mills times the assessed valuation of high school districts which educate grades nine (9) through twelve (12).

(2) The total resource figure so computed for a district shall be divided by the number of classroom units computed for the district under Section 21-66, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 72, Session Laws of Wyoming 1963, and amended and re-enacted by Section 1, Chapter 193, Session Laws of Wyoming 1963, and in the event the quotient thereof is less than Nine Thousand Five Hundred Dollars (\$9,500.00) or \$10,000 per classroom unit in special high school districts; the difference for each classroom unit shall be paid to the district from the foundation fund, but only if such district is making a total local district levy effort for operating purposes of at least twenty-one (21) mills times the assessed valuation of school districts educating grades one (1) through twelve (12), sixteen (16) mills times the assessed valuation of elementary districts educating grades one (1) through eight (8) but which are not within a high school district, of thirteen and one-half ( $13\frac{1}{2}$ ) mills times the assessed valuation of elementary districts which educate grades one (1) through eight (8) but which are within a high school district, or seven and one-half ( $7\frac{1}{2}$ ) mills times the assessed valuation of high school districts which educate grades nine (9) through twelve (12). The foregoing shall include any elementary district tuition levy for high school tuition.

(3) No district shall be guaranteed total resources under this Act in excess of the amount it would receive under Subsections (1) and (2) of this Section.

(a) The amounts of local district resources produced under Subsections (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) of

Section 21-68, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 184, Session Laws of Wyoming 1959, plus that fractional part not counted as a local resource in Subsections (10) and (11) of Section 21-68, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 184, Session Laws of Wyoming 1959.

(b) The amount of local resources that would be produced by a twelve (12) mill levy times total assessed valuation in the county with the proceeds distributed pro rata to the school districts on a classroom unit basis.

(c) The amount of foundation entitlement that would be regularly computed for the district if its local resources were as computed in (a) and (b) of this Subsection, and if the value of the classroom unit for computation purposes were Seven Thousand Five Hundred Dollars (\$7,500).

(d) The amount of revenue which could be raised during the current year by application of a nine (9) mill levy times the assessed valuation of school districts educating grades one (1) through twelve (12) of one and one-half ( $1\frac{1}{2}$ ) mills times the assessed valuation of elementary districts educating grades one (1) through eight (8) but which are not within a high school district, of five and one-half ( $5\frac{1}{2}$ ) mills times the assessed valuation of an elementary district educating grades one (1) through eight (8) and which is in a high school district, and of three and one-half ( $3\frac{1}{2}$ ) mills times the assessed valuation of a high school district educating grades nine (9) through twelve (12).

#### **Prorated Payments**

**Section 2.** In the event the income available to the foundation fund will be insufficient to meet the payments contemplated hereunder, the money available to the foundation fund after distribution of basic fund entitlement shall be prorated in accordance with Section 8, Chapter 67, Session Laws of Wyoming 1959.

#### **Classroom Unit Amount**

**Section 3.** That Subsection (1) of Section 21-67, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 193, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

(1) The amount to be included in the Foundation Program of a district for general operation expense shall be determined by multiplying the number of classroom units allotted to a district by Six Thousand Eight Hundred Dollars (\$6,800.00).

**Section 4.** This Act shall be in force and effect from July 1, 1965 through June 30, 1967.

Approved March 4, 1965

**CHAPTER 191**

Original House Bill No. 242

**INTERSTATE COMPACT ON JUVENILES**

AN ACT to adopt the Interstate Compact on Juveniles providing for out-of-state supervision of a delinquent juvenile, to provide for the return to their home state of runaways who have not as yet been adjudged delinquent, to provide for the return of absconders and escapees, to authorize agreements for the cooperative institutionalization of special types of juveniles such as psychotics and defective delinquents; and to repeal Sections 7-339 and 7-340, Wyoming Statutes 1957, relating to interstate agreements as to care, treatment and rehabilitation of delinquent juveniles, and the acceptance of federal and other donations, gifts and grants to carry out the purposes of said agreements.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Enactment of Compact**

**Section 1.** The Interstate Compact on Juveniles is approved, ratified and enacted into law, and entered into with all other jurisdictions, legally joining therein in a form substantially as follows:

**ARTICLE I**

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return from one state to another, of non-delinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the non-criminal, reformative and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

**ARTICLE II**

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

**ARTICLE III**

That, for the purposes of this compact, "delinquent juvenile"

means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

#### ARTICLE IV

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location, if known, at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificate, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall

be filed with the compact administrator of the demanding state, there to remain on file subject to the provision of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time that a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

(c) That "juvenile" as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

## ARTICLE V

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or

supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for the payment of the transportation costs of such return.

#### ARTICLE VI

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV (a) or of Article V (a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of a counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

#### ARTICLE VII

(a) That the duly constituted judicial and administrative auth-

orities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

(d) That the sending state shall be responsible under this Article for paying the costs of transportation for any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

#### ARTICLE VIII

(a) That the provisions of Articles IV(b), V(b) and VII(d)



of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV(b), V(b) or VII(d) of this compact.

#### ARTICLE IX

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

#### ARTICLE X

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the co-operating states.

#### ARTICLE XI

That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize, the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

## ARTICLE XII

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

## ARTICLE XIII

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form or execution to be in accordance with the laws of the executing state.

## ARTICLE XIV

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereon shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present Article.

## ARTICLE XV

That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

### Sections Repealed.

Section 2. That Sections 7-339 and 7-340, Wyoming Statutes 1957, are hereby repealed.

Approved March 4, 1965.

**CHAPTER 192**

Original House Bill No. 45

**COMMUNITY COLLEGE DISTRICT BOARD ELECTION**

AN ACT to provide for holding the first regular election of Community College District Boards and for the designation of the fiscal year for such districts, and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**When Held; Final Year**

**Section 1.** The first regular election of a Community College Board following creation of a Community College District shall not be held until such time in June of the first fiscal year in which a special mill tax is levied and assessed against the taxable property of said District for the uses and purposes of said District. The fiscal year of each Community College District shall begin on the first day of July of each year and shall end on the last day of June of the following year.

**Section 2.** This Act shall take effect and be in force from and after its passage.

Approved March 4, 1965.

**CHAPTER 193**

Original Senate File No. 16

**WORKMEN'S COMPENSATION**

AN ACT to amend and re-enact paragraph (b), sub-section II, of Section 27-49, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 208, Session Laws of Wyoming 1961, to clarify the meaning of casual labor; to amend and re-enact sub-section (B) of Section 27-60, Wyoming Statutes 1957, as amended and re-enacted by Section 6, Chapter 198, Session Laws of Wyoming 1959, to clarify the time contractor shall request certifications; to amend and re-enact Section 27-80, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 204, Session Laws of Wyoming 1961, to increase the amounts awarded for permanent partial disability; to amend and re-enact Section 27-81, Wyoming Statutes 1957, as amended and re-enacted by Section 3, Chapter 208, Session Laws of Wyoming 1961, to increase monthly payments of permanent partial disability awards; to amend and re-enact Section 27-82, Wyoming Statutes 1957, to provide for the additional costs of an artificial replacement to be paid from the Industrial Accident General Fund; to amend and re-enact Section 27-85, Wyoming Statutes 1957, as amended and re-enacted by Section 3, Chapter 204, Session Laws of Wyoming 1961, and as further amended and re-enacted by Section 4, Chapter 208, Session Laws of Wyoming 1961, to increase the benefits for permanent total disability; to amend and re-enact Section 27-87, Wyoming Statutes 1957, as amended and re-enacted by Section 4, Chapter 204, Session Laws of Wyoming 1961, relating to benefit payments to widows or invalid widowers and increasing the benefits; to amend and re-enact Section 27-89, Wyoming Statutes 1957, as amended and re-enacted by Section 7, Chapter 208, Session Laws of Wyoming 1961, to increase the amount allowed to dependent children for death benefits; to amend and re-enact Section 27-93, as amended and re-enacted by Section 12, Chapter 198, Session Laws of Wyoming 1959, to deny medical services to injured worker if such services can be obtained from any other public agency, and to give the Court more authority to order payment of claims; to amend and re-enact Section 27-110, Wyoming Statutes

1957, relating to the filing of accident reports, prescribing certain duties to be performed by the clerk of court; to amend and re-enact Subsection (C), Section 27-113, Wyoming Statutes 1957, as amended and re-enacted by Section 8, Chapter 87, Session Laws of Wyoming 1959, relating to the expense of investigations, providing for additional investigation expense; to amend and re-enact Section 27-132, Wyoming Statutes 1957, as amended and re-enacted by Section 4, Chapter 168, Session Laws of Wyoming 1963, to provide for the payment of filing fees in the Supreme Court; to provide for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### **Definitions**

**Section 1.** That paragraph (b), sub-section II of Section 27-49, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 208, Session Laws of Wyoming, 1961, is amended and re-enacted to read as follows:

(b) "Workman" means any person who has entered into the employment of or works under contract of service or apprenticeship with an employer, except a person whose employment is purely casual and not for the purpose of the employer's usual trade or business, or those engaged in clerical work and not subject to the hazards of the business. The term "workman" shall further include the officers of a corporation, the business of which is classed as extra-hazardous in nature, provided such person or persons are actually subject to the hazards of such business in the regular performance of his or their duties and provided further that the coverage of such person or persons shall be contingent upon notice of such intent being filed with the Workmen's Compensation Department by registered mail at least thirty (30) days prior to the taking effect of such coverage and the payroll reporting of such person or persons' salary or wage shall be at least twenty-four hundred (\$2400.00) dollars annually but need not exceed forty-eight hundred (\$4800.00) dollars of such person or persons' annual salary or wage, and after the filing of such notice such person or persons must be included on all payrolls filed thereafter until coverage is withdrawn by written notice delivered to the workmen's compensation department. The term "workman" shall include "employee" and the term "employee" shall include "workman" and each shall include the singular and plural of both sexes. Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his "dependent family" as hereinafter defined, or to his legal representatives, or where the workman is a minor or incompetent to his guardian or next friend; and no minor workman shall be denied the benefits of this Act for the sole reason that his employment is in violation of the labor laws governing the employment of minors.

#### **Certificate of Good Standing for Sub-Contractor**

**Section 2.** That Sub-section (B) of Section 27-60, Wyoming Statutes 1957, as amended and re-enacted by Section 6, Chapter 198, Session Laws of Wyoming 1959, is amended and re-enacted to read as follows:

(B) The prime or general contractor shall at the time a contract is awarded or before permitting any sub-contractor employing workers covered under this Act to begin work, secure from the Workmen's

Compensation Department, certification that such sub-contractor has, in good standing, an account with the said department that qualifies the coverage of all coverable workers in the employ of said sub-contractor.

#### Benefits for Disability

Section 3. That Section 27-80, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 204, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

(a) Permanent partial disability means the loss of either one foot, one leg, one hand, one arm, one eye, or the sight of one eye, one or more fingers, one or more toes, and dislocation where the ligaments are severed, or any other injury known to surgery to be permanent partial disability. For any permanent partial disability hereinafter specifically described, resulting from an injury, the workman shall receive an award as follows:

For the loss of a thumb .....	\$ 900.00
For the loss of a first finger .....	\$ 400.00
For the loss of a second finger .....	\$ 300.00
For the loss of a third finger .....	\$ 300.00
For the loss of a fourth finger .....	\$ 300.00
For the loss of a palm (metacarpal bone) .....	\$3900.00
For the loss of a hand .....	\$5500.00
For the loss of an arm at or below elbow .....	\$6000.00
For the loss of arm above elbow .....	\$6800.00

(b) For ankylosis (total stiffness of) or contractors (due to scars or injuries) which make the finger or fingers or thumb useless, the same amounts to apply to such finger or fingers or thumb as given above.

(c) The loss of a third or distal phalange of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

(d) The loss of a third or distal phalange of any finger shall be considered to be equal to the loss of two-thirds of such finger.

(e) The loss of more than the middle and distal phalange of any finger shall be considered to be equal to the loss of the whole finger; provided, however, that in no case shall the amount received for more than one finger exceed the amount in this schedule for the loss of a hand.

For the loss of a great toe .....	\$ 950.00
For the loss of one of the toes other than the great toe .....	\$ 300.00

(f) The loss of more than two-thirds of any toe shall be considered equal to the loss of the whole toe.

(g) The loss of less than two-thirds of any toe shall be considered equal to the loss of one-half the toe.

For the loss of a foot .....	\$4300.00
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For the loss of a leg below the knee .....	\$5000.00
For the loss of a leg above the knee .....	\$5800.00
For the loss of any eye or at least 90 per cent of the sight thereof .....	\$5000.00

(h) For any other injury known to surgery to be permanent partial disability, the workman shall receive a sum in the amount proportional to the extent of such permanent partial disability based as near as may be upon the foregoing schedule. One of the factors to be taken into consideration is the ability of the workman to continue to perform work for which he was suited prior to the injury.

#### **Rate of Benefit Payment for Permanent Partial Disability**

**Section 4.** That Section 27-81, Wyoming Statutes 1957, as amended and re-enacted by Section 3, Chapter 208, Session Laws of Wyoming 1961, is hereby amended and re-enacted to read as follows:

In every case of permanent partial disability the amount allowed for the injury shall be paid in monthly installments at the minimum rate specified for payment of benefits for temporary total disability and according to the number of the workman's dependents either at the time of the injury, or at the time of the payment, which ever is the lesser amount, provided, however, that the court making such award shall retain jurisdiction of the same until said award shall have been fully paid, with power to modify or change the amount of the award to conform to any change in the condition of the injured workman, and shall have the power at any time during said period, upon application and hearing, with notice to the employer, and a showing of any exceptional necessity therefor, to order all or any part of the unpaid balance of the award to be paid to the injured workman as a lump sum; provided that if the workman shall die leaving an unpaid balance of the award, and no further award is made on account of his death, then such unpaid balance shall be paid to his surviving wife at the rate provided for payment of death benefits; if the workman leaves no surviving wife then said unpaid balance shall be credited to the account of his surviving dependent children, if any there be; the amount credited to each child shall be based upon the number of months until each child shall reach eighteen (18) years, in relation to the date of death of said workman; and provided further that the amount credited to the account of each child shall be held by the State Treasurer and disbursed for the use and benefit of such child only under proper order by any district court within the State of Wyoming; if there be no surviving wife and no surviving dependent children, the unpaid balance of such award shall return to the Industrial Accident Fund and the same shall be credited and apportioned to the respective fund or funds from which the said award of compensation was withdrawn.

#### **Expense of Artificial Replacement**

**Section 5.** That Section 27-82, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

(A) In any case where an employee suffers an accident under the terms of this Act, and who loses any part of the body which can be replaced by artificial means, such employee, in addition to the

benefits of this Act shall be entitled to an artificial replacement thereof such to include a leg, arm, hand, foot, eye or teeth, also when necessary an artificial aid to hearing, a spine or other similar brace, and the expense that may be necessary to secure the same, in an amount not to exceed five hundred dollars (\$500.00) for such replacement. An additional amount of not to exceed one hundred fifty dollars (\$150.00) shall be allowed the injured workman for the necessary traveling expenses and living expenses incurred by him in connection with the purchase, fitting or adjustment of said replacement.

(B) If the cost of an original artificial replacement exceeds the amounts provided in Sub-section (A) above, the injured workman or someone in his behalf, shall make application to the district court for such additional amount necessary to provide the injured workman with an adequate artificial replacement. It shall thereupon be the duty of the judge to set the application for hearing, with notice of said hearing to be served upon the employer and the Workmen's Compensation Department at least seven (7) days before the date set for the hearing. If upon the hearing, the court shall find that the additional cost and expenses are essential to adequately provide the injured workman with said artificial replacement an order may be made allowing such additional cost, and said cost shall be paid from the industrial accident general fund, miscellaneous expense account, and shall not be charged against the employer's account.

#### **Benefits for Permanent Total Disability; Awards for Subsequent Injury**

**Section 6.** That Section 27-85, Wyoming Statutes 1957, as amended and re-enacted by Section 3, Chapter 204, Session Laws of Wyoming 1961, and as further amended and re-enacted by Section 4, Chapter 208, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

Permanent total disability means the loss of both legs or both arms, total loss of eyesight, paralysis or other conditions permanently incapacitating the workman from performing any work at any gainful occupation. Where there has been a previous permanent partial disability, as the loss of one eye, or the sight thereof, one hand, one foot, or any other previous permanent partial disability, the award for a subsequent injury shall be determined by deducting therefrom the amount of the award paid for such previous permanent partial disability. When permanent total disability results from the injury the workman shall receive the sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00). If the workman suffering such permanent total disability has children under eighteen (18) years of age, or sisters or brothers under (18) years of age, who are wholly and actually dependent upon the workman for support at the time of the injury, there shall be credited to the account of each of such children, or brother or sister, a lump sum equivalent to Thirty Dollars (\$30.00) per month until the time when each of said children would become eighteen (18) years of age; provided that the lump sum credited to the account of all said children shall in no case exceed Ten Thousand Dollars (\$10,000.00), and provided further that the amount credited to the account of each child shall be held by the state treasurer and disbursed for the use and benefit of each child only under proper order

by any district court within the State of Wyoming. In case of the death of any of such children, the portion of such award payable to such child by the terms hereof shall be divided among the surviving children pro rata; provided further, that if all the said children should die before the unpaid balance of the award is entirely distributed, then the remaining undistributed portion of such award shall revert to the industrial accident fund and be credited and apportioned to the respective fund or funds from which said award of compensation was withdrawn.

#### **Benefits to Surviving Children**

**Section 7.** That Section 27-89, Wyoming Statutes 1957, as amended and re-enacted by Section 7, Chapter 208, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

If said workman leaves surviving children under eighteen (18) years of age, there shall be credited to the account of each of said children a lump sum equivalent to Thirty Dollars (\$30.00) per month until the time when each of said children would become eighteen (18) years of age; provided that the lump sum credited to the account of all of said children shall in no case exceed Ten Thousand Dollars (\$10,000.00), excepting the unpaid balance of an award to a surviving spouse who has remarried or died shall not be considered as a part of said aggregate lump sum; and provided further that the amount credited to the account of each child shall be held by the State Treasurer and disbursed for the use and benefit of such child only under proper order by any district court within the State of Wyoming. In case of the death of any such children, the portion of such award payable to such child by the terms hereof shall be divided among the surviving children pro rata; provided further, that if all the said children should die before the unpaid balance of the award is entirely distributed, then the remaining undistributed portion of such award shall revert to the Industrial Accident Fund and be credited and apportioned to the respective fund or funds from which the said award of compensation was withdrawn.

#### **Benefits to Widow or Invalid Widower**

**Section 8.** That Section 27-87, Wyoming Statutes 1957, as amended and re-enacted by Section 4, Chapter 204, Session Laws of Wyoming 1961, is amended and re-enacted to read as follows:

If the workman dies and leaves a widow or an invalid widower, to whom he or she has been regularly married by a marriage duly solemnized by a legal ceremony, such surviving spouse shall receive the sum of Thirteen Thousand Dollars (\$13,000.00), but in every such case the said award shall be paid in monthly installments at the minimum rate specified for payment of benefits for temporary total disability and according either to the number of the workman's dependents at the time of the injury which resulted in his death, or to the number of such dependents, including the widow or invalid widower, who would have been dependents of the deceased workman had he been living at the time of payment, whichever is the lesser amount; provided, however, that the court making such award may upon application and hearing, with notice to the employer and a showing of an exceptional necessity therefor, order all or any part



of the unpaid balance of the award to be paid to the surviving spouse as a lump sum.

#### **Accident Report, Report to Clerk of Court**

**Section 9.** That Section 27-110, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Whenever an employer shall file a report of an accident occurring to an employee engaged in extra-hazardous employment with the clerk of the district court of the county wherein said accident occurred, it shall be the duty of said clerk to forward one copy of the employer's report to the State Treasurer within twenty-four (24) hours after receipt of said report. If, within twenty-four (24) hours after receipt of said report no report of said accident has been filed by the injured worker, said clerk shall mail to the injured workman copies of the blank forms prescribed by the State Treasurer for the reporting of accidents by employees, and a copy of the instructions for making correct claims for compensation prepared and printed by the State Treasurer under the authority of Section 27-112, Wyoming Statutes 1957.

#### **Investigation of Claim; Expenses**

**Section 10.** That subsection (C), Section 27-113, Wyoming Statutes 1957, as amended and re-enacted by Section 8, Chapter 87, Session Laws of Wyoming 1959, is amended and re-enacted to read as follows:

(C) The expense of such investigation as provided for in this Act shall not exceed Two Dollars (\$2.00) in any case except in the case of a transfer to a District Court other than where the accident occurred, in which event the sum of Two Dollars (\$2.00) shall be paid for investigation in the District Court wherein claim is first filed and the sum of Two Dollars (\$2.00) shall be paid for investigation in the District Court wherein claim has been transferred. Except in a case in which the clerk of the District Court is required by law to mail copies of blank forms and instructions to an injured workman in which case additional investigation expense of fifty cents (\$.50) shall be paid to cover the additional cost of mailing and handling. The expense of such investigation shall be payable out of the Industrial Accident General Fund and charged to the individual employer's account. All bills for such investigation fees shall be submitted monthly and in no case will they be allowed if submitted later than sixty (60) days after the end of the month during which the case is filed by the Clerk of the District Court.

#### **Medical and Hospital Expenses**

**Section 11.** That Section 27-93, Wyoming Statutes 1957, as amended and re-enacted by Section 12, Chapter 198, Session Laws of Wyoming 1959, is amended and re-enacted to read as follows:

In all cases of temporary total disability, permanent partial disability and permanent total disability, and where death results from an injury, the expense of medical attention and of care in hospital of the injured workman shall be paid from date of said injury; the expense of medical treatment not to exceed three hundred and eighty-

five dollars (\$385.00) in any case except as increased by order of court as hereinafter provided, and the expense of care in hospital not to exceed four hundred and ninety-five dollars (\$495.00) in any case except as increased on order of court as hereinafter provided, unless under general arrangement the workman is entitled to medical attention and care in hospital or the employer furnishes adequate and proper medical attention and hospital facilities to his employees; provided, however, that no bill or fee for medical attention or care in hospital shall be allowed or paid without notice to the employer; and a hearing if requested by said employer, or where the employee is entitled to expense free medical and hospital care from any other public fund, public institution or public agency; and provided further, that if no written objection to the payment of said claim is filed within ten (10) days from the date of said notice to the employer, when such notice upon the employer or his qualified agent or representative can be verified or established, it will be conclusively presumed that employer has given his consent and said claim shall be submitted to the district court for approval; and provided further, that when, after a diligent effort has been made, said notice cannot be served upon an employer, it shall be within the prerogative of the court to allow or disallow said claims. No additional hospitalization or medical expense shall be paid from the workmen's compensation fund except as provided in Section 27-94 of this Act.

#### **Appeal by Workman; Transcript of Record**

**Section 12.** That Section 27-132, Wyoming Statutes 1957, as amended and re-enacted by Section 4, Chapter 168, Session Laws of Wyoming 1963, is amended and re-enacted to read as follows:

In case an appeal to the Supreme Court is prosecuted on behalf of the injured workman, the county and prosecuting attorney, or other attorney representing said workman, shall order a transcript of the record of the district wherein said injury occurred and duly certified without cost to said injured workman, the expense of such transcript to be paid for directly out of the industrial accident general fund miscellaneous expense account, at the established legal rate per folio and said county and prosecuting attorney or other attorney shall order the papers on file in the office of the clerk of the district court to be by said clerk prepared, transcribed, certified and forwarded to the clerk of the Supreme Court, without cost to the injured workman. Docket fees in the Supreme Court to be paid for directly out of the industrial accident general fund miscellaneous expense account, and the proceedings in the Supreme Court, shall be conducted on behalf of the injured workman by such attorney as the workman may employ.

**Section 13.** This Act shall take effect and be in force from and after March 1, 1965.

Approved March 4, 1965.

**CHAPTER 194**

Original Senate File No. 135

**MINERAL LEASES — FARM LOAN BOARD CONTROLLED PROPERTY**

AN ACT amending and re-enacting Subsection A, Section 11-631, Wyoming Statutes 1957, relating to mineral leases on properties under the control of the farm loan board, providing for extension of the terms of leases under certain conditions; and deleting a provision of the Statute that requires a lessee's bond on assignment of the lease.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Property Mortgaged to Farm Loan Board; Leases**

**Section 1.** That Subsection A, Section 11-631, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

A. (i) The board is hereby authorized to lease any or all such property for oil and gas for a primary term up to ten (10) years and as long thereafter as oil or gas may be produced in paying quantities and to extend the term of existing oil and gas leases in good standing for as long as oil or gas may be produced in paying quantities; and for coal and other mineral purposes for terms not exceeding ten (10) years, with the preferential right in each coal or other mineral purpose lessee, to renew such lease for successive periods of ten (10) years each.

(ii) The board is further authorized to make and establish rules and regulations governing the issuance of such leases and covering the conduct of development and mining operations to be carried on thereunder.

(iii) Mineral leases may be issued upon such monthly or annual minimum rental payment basis as shall be fixed by the board, which payments shall be annually applied against such royalty as shall accrue for the same lease year by the terms of such lease, which royalty, as to lands leased for oil or gas shall not be less than 5% of all oil and gas produced and saved from and not used in operations on said lands under said lease, and royalty of not less than five cents per ton on coal produced from the lands under any such lease for coal purposes, such royalty to be paid on mine run of coal. No mineral lease issued under the provisions of this Section shall be assignable or transferable except with written consent of the board and it shall require the lessee's full compliance with and observance of all rules and regulations adopted by said board and for lessee's compliance with all other terms of said lease. All mineral leases issued pursuant to this Section shall be separate and distinct from each lease of the same land for grazing or agricultural purposes, issued by the Board, and rules and regulations adopted by the board as herein authorized, shall provide for joint use of such lands for grazing and agricultural or mineral purposes without undue interference by the lessees under any such class of leases with lessees under any other such class. The board, on behalf of the State, and its lessee or lessees in any such mineral lease are hereby further authorized to join, in the interest of conservation and greater ultimate recovery of oil and gas, in fair and equitable cooperative or unit plans of development or opera-

tion of oil and gas pools, with the United States government and its lessees, or permittees, or others, or any of them, and the board is hereby authorized to modify and change any and all terms and conditions of any such oil and gas lease or leases, heretofore or hereafter issued, as mutually agreed by the lessor and lessee in any such lease, as required to conform to the terms of any such lease, to such cooperative or unit plan and as required to effectuate proper operations thereunder, which changes may include extension of the term of years otherwise applicable to any such lease, for the full period of time during which such cooperative or unit plan may remain in effect.

(iv) When a cooperative or unit agreement is terminated or ceases to be effective as to lands upon which there is no production of oil or gas, the lease covering such lands shall remain in effect for a period of two years from the date such lands ceased to be subject to said agreement, or for the remaining length of the term of the original lease, whichever shall be the greater, and so long thereafter as oil or gas is produced from said lands in accordance with the requirements of the original lease.

(v) The terms of any lease issued under this Section for land on which actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for one year and so long thereafter as oil or gas is produced in paying quantities.

Approved March 4, 1965.

## CHAPTER 195

Original Senate File No. 38

### WYOMING STATUTES REVISION COMMISSION

AN ACT appropriating the sum of Twenty-five Thousand Dollars (\$25,000.00) to the Wyoming Statute Revision Commission for the purpose of revising and recodifying the insurance statutes of the State of Wyoming and providing an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

#### Appropriation for Insurance Law Study

Section 1. There is hereby appropriated to the Wyoming Statute Revision Commission the sum of Twenty-five Thousand Dollars (\$25,000.00), or so much thereof as may be necessary to be used by the committee in carrying out a revision and recodification of the insurance statutes of the State of Wyoming.

Section 2. This bill shall take effect and be in force from and after its passage.

Approved March 4, 1965.

**CHAPTER 196**

Original Senate File No. 56

**PLATS OF SUB-DIVISIONS**

AN ACT amending and re-enacting Section 34-114, Wyoming Statutes 1957, relating to requirements for plats of sub-divisions, suburban lots and other lands, providing that plats must be approved by the board of county commissioners or the governing body of cities or towns.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Approval by County Commissioners of Governing Body of Cities or Towns; Filing and Recording**

**Section 1.** That Section 34-114, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

Every such plat shall contain a statement to the effect that "the above or foregoing sub-division of (here insert a correct description of the land or parcel sub-divided) as appears on this plat, is with the free consent, and in accordance with the desires of the undersigned owners and proprietors", which shall be signed by the owners and proprietors, and shall be duly acknowledged before some officer authorized to take the acknowledgment of deeds. The plat shall meet the approval of the board of county commissioners if it is of land situated without the boundaries of any city or town or by the governing body of the city or town if situated within the boundaries of such city or town. When thus executed, acknowledged and approved, said plat shall be filed for record and recorded in the office of the clerk of the proper county; provided, however, that any such plat of land adjacent to any incorporated city or town, or within one mile of the boundaries of any such city or town, shall be jointly approved by both the board of county commissioners of said county and the governing body of said city or town before same shall be filed and recorded in the office of the county clerk as aforesaid.

This Act became law without the signature of the Governor in accordance with Article IV, Section 8, of the Constitution of Wyoming.

**CHAPTER 197**

Original House Bill No. 37

**FIRE DEPARTMENT COLLECTIVE BARGAINING**

AN ACT to provide for settlement of disputes concerning wages or rates of pay and other terms and conditions of employment of employees of fire departments.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Definitions**

**Section 1.** As used in this Act the following terms shall, unless the context requires a different interpretation, have the following meanings:

(a) The term "fire fighters" shall mean the paid members of any regularly constituted fire department in any city, town or county within the state.

(b) The term "corporate authorities" shall mean the council, commission or other proper officials of any city, town or county, whose duty or duties it is to establish wages, salaries, rates of pay, working conditions, and other conditions of employment of fire fighters.

#### **Right to Bargaining Acknowledged**

**Section 2.** The fire fighters in any city, town or county shall have the right to bargain collectively with their respective cities, towns or counties and to be represented by a bargaining agent in such collective bargaining as to wages, rates of pay, working conditions and all other terms and conditions of employment.

#### **Agency to be Exclusive**

**Section 3.** The organization selected by the majority of the fire fighters in any city, town or county shall be recognized as the sole and exclusive bargaining agent for all of the members of the department, unless and until recognition of such bargaining agent is withdrawn by vote of a majority of the fire fighters.

#### **City, Town or County to Confer; Notice**

**Section 4.** It shall be the obligation of the city, town or county, through its corporate authorities, to meet and confer in good faith with the representative or representatives of the bargaining agent within ten (10) days after receipt of written notice from said bargaining agent of the request for a meeting for collective bargaining purposes. This obligation shall include the duty to cause any agreement resulting from negotiations to be reduced to a written contract, provided that no such contract shall exceed the term of one (1) year.

#### **Arbitration**

**Section 5.** In the event that the bargaining agent and the corporate authorities are unable, within thirty (30) days from and including the date of their first meeting, to reach an agreement on a contract, any and all unresolved issues shall be submitted to arbitration.

#### **Appointment of Arbitrators**

**Section 6.** Within five (5) days from the expiration of the thirty (30) day period referred to in Section 5 hereof, the bargaining agent and the corporate authorities shall each select and name one arbitrator and shall immediately thereafter notify each other in writing of the name and address of the person so selected. The two arbitrators so selected and named shall, within ten (10) days from and after the expiration of the five (5) day period hereinbefore mentioned, agree upon and select and name a third arbitrator. If on the expiration of the period allowed therefor the arbitrators are unable to agree upon the selection of a third arbitrator, a District Judge of the Judicial District within which the City is located, shall select him upon request in writing from either the bargaining agent or the corporate authorit-

ies. The third arbitrator, whether selected as a result of agreement between the two arbitrators previously selected, or selected by a District Judge, shall act as Chairman of the arbitration board.

#### **Procedure**

**Section 7.** Arbitration shall proceed pursuant to the provisions of the Uniform Arbitration Act.

#### **Agreement to be Contract; Term**

**Section 8.** Any agreements actually negotiated between the bargaining agent and the corporate authorities either before, or within thirty (30) days after arbitration, shall constitute the collective bargaining contract governing fire fighters and said city, town or county for the period stated therein, provided that term of such contract shall not exceed one (1) year.

#### **Notice When Appropriation Required**

**Section 9.** Whenever wages, rates of pay, or any other matter requiring appropriation of money by any city, town or county are included as matter of collective bargaining conducted under the provisions of this Act, it is the obligation of the bargaining agent to serve written notice of request for collective bargaining on the corporate authorities at least one hundred twenty (120) days before the last day on which money can be appropriated by the city, town or county to cover the contract period which is the subject of the collective bargaining procedure.

This Act became law without the signature of the Governor in accordance with the provisions of Article IV, Section 8, of the Wyoming Constitution.

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### **ORIGINAL SENATE JOINT MEMORIAL NO. 1**

**A JOINT MEMORIAL,** memorializing the Congress of the United States with reference to the scenic road from Rawlins, Wyoming, to the Little Snake River Valley in Carbon County, Wyoming.

**WHEREAS,** the United States Government by and through the Bureau of Public Roads in the Department of Commerce and has authorized a scenic Roads and Parkway study; and

**WHEREAS,** the Wyoming State Highway Department is submitting prior to January 25, 1965, a detailed proposal for a scenic road connecting Rawlins, Wyoming, and the Little Snake River Valley which passes through some of the most outstanding scenic country in the United States; and

**WHEREAS,** this route will direct itself to the general area of the Savery Pothook Dam recently approved by Congress and will provide access to an outstanding recreation area of many thousands acres and provide an outstanding scenic route for those Americans traveling East and West and North and South across this great continent.

NOW, THEREFORE, IT IS RESOLVED, by the Senate of the Thirty-eighth Legislature of the State of Wyoming, the House of Representatives of such Legislature concurring, that we hereby strongly urge the consideration of this project as the primary project in the intermountain West because of its scenic and utilitarian values during the construction of the Savery Pothook Dam.

IT IS FURTHER RESOLVED, that duly attested copies hereof be promptly transmitted to the United States Senators from Wyoming, Wyoming's member of Congress, the Bureau of Public Roads, Commerce Department and the Wyoming State Highway Department.

Approved February 17, 1965

#### ORIGINAL SENATE JOINT MEMORIAL NO. 2

A JOINT MEMORIAL, memorializing the Honorable LeRoy Christinck, late a Senator from Campbell County in the Legislature of the State of Wyoming, expressing deep appreciation for his distinguished service to his county and the state.

WHEREAS, LeRoy Christinck, of Gillette, Wyoming, was born September 2, 1912, in Sheridan, Wyoming, and was a rancher; and

WHEREAS, LeRoy Christinck served in the Senate of the Legislature of the State of Wyoming from 1959 to 1964, representing Campbell County; and

WHEREAS, he served on the Yellowstone Park Commission, the Governor's Committee on Education, the Legislative Research Council, as the ranking member of the Senate Education Committee, as the second ranking member of the Senate Livestock Committee and as a member of the Senate Game and Fish Committee; and

WHEREAS, he was a member of the Wyoming Farm Bureau and of the Rotarians; and

WHEREAS, he worked sincerely for education, and for the betterment of his community, his county, and his state, and personified honesty and loyalty to the highest degree; and

WHEREAS, LeRoy Christinck departed this life on September 11, 1964.

NOW, THEREFORE, IT IS RESOLVED, by the Thirty-eighth Legislature of the State of Wyoming, that we acknowledge and express our deep loss by reason of the passing of our associate and friend of many years and extend our sympathy to the family of our fellow legislator and devoted public servant.

BE IT FURTHER RESOLVED, that a copy of this Memorial be transmitted to the family of LeRoy Christinck, deceased; that they may be assured of our deep respect for the late member of the Senate and of our profound sympathy in the passing of this loyal friend of Wyoming and its people.

Approved January 28, 1965.



**ORIGINAL SENATE JOINT MEMORIAL NO. 4**

**A JOINT MEMORIAL, memorializing the Postmaster General of the United States and the Congressional Delegation of the State of Wyoming in connection with the issuance of a postage stamp commemorating Wyoming's 75th Anniversary.**

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING:**

**WHEREAS, the government of the State of Wyoming was the first in the world to grant equality to women; and**

**WHEREAS, the State of Wyoming has played a significant role in the development of the West; and**

**WHEREAS, the State of Wyoming is justly famed throughout the world for its recreational facilities, including Yellowstone and Grand Teton National Parks; and**

**WHEREAS, the State of Wyoming will enjoy the Seventy-fifth Anniversary of its statehood during the year 1965;**

**NOW, THEREFORE, BE IT RESOLVED by the Senate of the Thirty-eighth Legislature of the State of Wyoming, the House of Representatives of such legislature concurring, that it is the desire of the State of Wyoming that a United States Postage Stamp be issued commemorating its 75th Anniversary, and**

**BE IT FURTHER RESOLVED, that certified copies hereof be promptly transmitted to the Postmaster General of the United States, United States Senator Gale McGee, United States Senator Milward Simpson, and Representative in Congress Teno Roncalio.**

**Approved February 20, 1965.**

**ORIGINAL SENATE JOINT MEMORIAL NO. 5**

**A JOINT MEMORIAL, memorializing the Postmaster General of the United States and the Congressional Delegation of the State of Wyoming in favor of the issuance of a postage stamp commemorating Grand Teton National Park.**

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING:**

**WHEREAS, there was commenced a series of United States postage stamps commemorating each of the several national parks; and**

**WHEREAS, the series was completed with the exception of a stamp commemorating Grand Teton National Park; and**

**WHEREAS, the issuance of such stamp would complete the series and would focus worldwide attention on the beauties of Grand Teton National Park:**

**NOW, THEREFORE, BE IT RESOLVED by the Senate of the**

Thirty-eighth Legislature of the State of Wyoming, the House of Representatives of such legislature concurring, that it is the wish of the people of Wyoming that a postage stamp be issued commemorating Grand Teton National Park; and

BE IT FURTHER RESOLVED, that certified copies hereof be promptly transmitted to the Postmaster General of the United States, to United States Senator Gale McGee, to United States Senator Milward Simpson and to Representative in Congress Teno Roncalio.

Approved February 20, 1965.

#### ORIGINAL SENATE JOINT MEMORIAL NO. 6

A JOINT MEMORIAL, memorializing the late T. Joe Cahill, beloved citizen of Wyoming, expressing the warmth of our affection and the depth of our bereavement on behalf of all the citizens of Wyoming.

WHEREAS, T. Joe Cahill was known as "The man who made a million friends"; and

WHEREAS, through the warmth of his personality and the magnetism of his charm he commanded the high regard and affectionate esteem of vast multitudes; and

WHEREAS, he was a tireless and dedicated civic leader; and

WHEREAS, in the brotherhood of man none was more beloved than T. Joe Cahill; and

WHEREAS, his life was characterized by his compassion for his fellow man; and

WHEREAS, countless thousands have been the beneficiaries of his humanitarianism; and

WHEREAS, T. Joe Cahill departed this life on February 12, 1965.

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Thirty-eighth Legislature of the State of Wyoming, the House of Representatives concurring, that we express the warmth of our affection for our beloved friend and the depth of our bereavement by reason of his passing, and extend to his family our heartfelt sympathy for our shared loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be transmitted to the family of our beloved friend, so that they may be assured of our respect for Wyoming's greatest native son.

Approved March 1, 1965.

## ORIGINAL HOUSE JOINT MEMORIAL NO. 5

**A JOINT MEMORIAL, memorializing the members of the Wind River Mountain Men of Fremont County, expressing sincere appreciation for their service in publicizing and promoting the 75th anniversary of Wyoming Statehood.**

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING:**

WHEREAS, the members of the Wind River Mountain Men were organized in Fremont County for the purpose of publicizing and promoting the heritage and tradition of the Old West among the people of the nation and the world; to promote travel to Wonderful Wyoming; to promote and publicize the 75th anniversary of Wyoming Statehood; to keep alive the spirits, traditions and memories of the original Mountain Men who did so much to open the West for settlement; and to encourage friendly relations between the Indian nations and the white man; and

WHEREAS, the members of the Wind River Mountain Men expended personal resources in attending the Inauguration of the President of the United States on January 20, 1965, to promote the State of Wyoming; and

WHEREAS, they received nationwide praise and brought world recognition to the 75th anniversary of Wyoming Statehood.

NOW, THEREFORE, IT IS RESOLVED, by the Thirty-eighth Legislature of the State of Wyoming, that we acknowledge and express our sincere appreciation to the Wind River Mountain Men for their colorful display at the inauguration of Lyndon B. Johnson as President of the United States and we extend our personal thanks to the following members and their respective families:

Jack Langan	of	Lander
Ed Stamm	of	Lander
Jack Ratliff	of	Riverton
Bill Wollerman	of	Riverton
Ralph Urbigkit	of	Crowheart
Rev. Jim Kellett	of	Fort Washakie
Dick Greeves	of	Fort Washakie
Charles Potter	of	Fort Washakie
Earl Kelley	of	Milford
Elmer Wagner	of	Hudson
Floyd Collins	of	Ethete
Byron Slattery	of	Arapahoe
Travis Bennett	of	Arapahoe
Frank Miller	of	Arapahoe
Leo Hanway	of	Arapahoe

BE IT FURTHER RESOLVED, that an attested true copy hereof be promptly sent to each member of the Wind River Mountain Men named above.

Approved February 15, 1965

## ORIGINAL HOUSE JOINT MEMORIAL NO. 6

**A JOINT MEMORIAL, memorializing the Honorable Harry Clissold, Mayor of Jackson, Wyoming, and recognizing his distinguished service to his state and community.**

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING:**

WHEREAS, Harry Clissold has continuously held the office of Mayor for longer than any other mayor in these United States; and

WHEREAS, Harry Clissold was born in Salt Lake City, Utah on March 26, 1893, moved to Jackson, Wyoming in 1914 and was among the early courageous settlers of Jackson Hole, Wyoming; and

WHEREAS, his life of service to state and community began in 1934 when he was first elected to office as a member of the Town Council of Jackson, Wyoming; and

WHEREAS, he was elected to the office of Mayor, of Jackson, Wyoming in 1935; and

WHEREAS, he has continuously held that aforementioned office with distinction and honor for thirty colorful years without interruption; and

WHEREAS, his tenure of office is unequalled by any other mayor in these United States of America; and

WHEREAS, his departure from office coincides with the seventy-fifth anniversary of the statehood of Wyoming; and

WHEREAS, his colorful, affectionate and unquestioned fame as the "kissing mayor" has attracted the attention of the entire country to our state and its unique history;

NOW, THEREFORE, IT IS RESOLVED, by the House of Representatives of the Thirty-eighth Legislature of the State of Wyoming, the Senate of such Legislature concurring, that we express our grateful appreciation for the honor and distinction of having had within the confines of the State of Wyoming, the first and only Mayor with such remarkable longevity in political office, and make it known that "He has greatly enriched the Town of Jackson and the State of Wyoming by his extended, dedicated and enthusiastic service to them."

IT IS FURTHER RESOLVED, that a copy of this Memorial be submitted in person to this honorable gentleman during the Thirty-eighth Session of the Legislature of the State of Wyoming to help honor the seventy-fifth anniversary of the State of Wyoming.

Approved February 15, 1965

## ORIGINAL HOUSE JOINT MEMORIAL NO. 7

**A JOINT MEMORIAL, memorializing the Right Honorable Sir Winston Churchill, late, former Prime Minister of Great Britain and Northern Ireland, member of the House of Commons and an honorary citizen of the United States of America, expressing deep appreciation and permitting the proper discharge of our debt of public gratitude and contributing to the national sorrow on behalf of all the citizens of the State of Wyoming.**

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING:**

**WHEREAS, the Right Honorable Sir Winston Churchill, former Prime Minister of Great Britain and Northern Ireland was an honorary citizen of the United States; and**

**WHEREAS, the legend that he had become is not only the possession of Great Britain alone, but of the world, and not of our time alone but of the ages; and**

**WHEREAS, the House of Commons is the birthplace of representative government as we know it; and**

**WHEREAS, he held the honorary title "Father of the House" by virtue of having been the member with the longest consecutive service from 1900 to 1922 and from 1924 to 1964; and**

**WHEREAS, in the face of the greatest danger that has ever threatened us, his vision and indomitable courage helped lead us all toward a better understanding of the human race; and**

**WHEREAS, his leadership will be a perpetual memorial for generations yet unborn; and**

**WHEREAS, the Right Honorable Sir Winston Churchill departed this life on January 24, 1965;**

**NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Thirty-Eighth Legislature of the State of Wyoming, the Senate of such Legislature concurring, that we acknowledge and express our deep loss by reason of the passing of this beloved friend, and extend our sincere sympathy to the family of our friend and devoted public servant.**

**BE IT FURTHER RESOLVED, that a copy of this memorial be transmitted to the family of the Right Honorable Sir Winston Churchill, deceased, Her Majesty's Government and the Congress of the United States so that they may be assured of our deep respect for this great man of history.**

**Approved February 19, 1965**

**ORIGINAL HOUSE JOINT MEMORIAL NO. 9**

**A JOINT MEMORIAL**, memorializing the Congress of the United States of America with reference to the opposition of the people of the State of Wyoming to the announced closing of the Veterans Administration offices at Cheyenne, Wyoming and the transfer of the functions of such office elsewhere.

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING:**

**WHEREAS**, The announced closing of the Veterans Administration offices at Cheyenne, Wyoming is a move which has not been calculated to serve the best interest of the citizens of Wyoming. Such action taken in the name of economy is but a penny-wise divestiture of rights at the expense of Wyoming veterans and their families; and

**WHEREAS**, The benefit to be gained by this action is at best illusory whereas the resulting hardship is readily apparent. The economy of Wyoming in general, and of Cheyenne in particular will be adversely affected by such announced closing; and

**WHEREAS**, The state's veterans will be subjected to great inconvenience and handicap by being forced to travel vast distances to advantageously utilize the facilities of a division of government established primarily to safeguard their individual rights and interests;

**NOW, THEREFORE, BE IT RESOLVED**, by the House of the Thirty-eighth Legislature of the State of Wyoming, the Senate of such Legislature concurring, that the President and Congress of the United States of America be and they are hereby memorialized and earnestly solicited to reverse the Veterans Administration's decision to close the Cheyenne, Wyoming offices. Such closing is deplorable as it can be effected only by completely ignoring the interest and welfare of the veterans and the people of the State of Wyoming

**BE IT FURTHER RESOLVED**, that attested true copies hereof be promptly transmitted to the President and Vice President of the United States, the Speaker of the House of Representatives of said Congress, United States Senator Milward L. Simpson, United States Senator Gale W. McGee, Representative in Congress Teno Roncalio and to the Administration of Veterans Affairs.

Approved February 15, 1965

**ORIGINAL HOUSE JOINT MEMORIAL NO. 10**

**A JOINT MEMORIAL**, memorializing the one hundredth anniversary of the heroic death of first Lt. Caspar Collins, a member of the 11th Ohio Volunteer Cavalry, who was killed by hostile Indians, July 26, 1865, at the Battle of Platte Bridge Station, later renamed Fort Caspar by the War Department in his honor, Twenty-five years before his name was perpetuated as the name of the city of Casper.

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING:**

WHEREAS, First Lt. Caspar Collins age twenty, of the 11th Ohio Volunteer Cavalry, was killed in an heroic attempt to save a fellow trooper from approximately 3,000 hostile Indians on July 26, 1865, at Platte Bridge Station; and,

WHEREAS, the City of Casper is required by law to honor this important date in Wyoming history with appropriate services; and,

WHEREAS, July 26, 1965, is the one hundredth anniversary date of his death, when a diorama depicting the actual battle scene will be dedicated; and,

WHEREAS, The citizens of Casper with all due respect cherish the traditions upon which the city was founded, and do hereby call attention to their city's heroic namesake; and,

WHEREAS, the Great State of Wyoming is celebrating its 75th anniversary of statehood, and,

WHEREAS, this anniversary date will add to the history of our state;

NOW, THEREFORE, IT IS RESOLVED, by the Thirty-Eighth Legislature of the State of Wyoming, that we acknowledge and express our deep interest in this historic occasion.

BE IT FURTHER RESOLVED, that attested true copies of this memorial be transmitted to the Fort Caspar Commission, the City of Casper, our Senators, and Representatives in Congress.

Approved February 10, 1965.

#### **ORIGINAL SENATE JOINT RESOLUTION NO. 1**

**A JOINT RESOLUTION** proposing an amendment to the Constitution of the State of Wyoming by amending Section 1 of Article 5 thereof, relating to the establishment of courts of the judicial system of Wyoming, so as to permit the legislature to establish subordinate courts by general law, and repealing Sections 22 and 23 of Article 5, and Section 5 of Article 19 thereof, relating to justices of the peace, courts of arbitration and courts for incorporated cities or towns; and providing for the continued effect of existing statutes enacted pursuant to the amended and repealed provisions hereof.

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,** two-thirds of all the members of each of the two houses, voting separately, concurring therein:

That the following amendment to the Constitution of the State of Wyoming be, and the same is, hereby proposed for submission to the electors of the State of Wyoming, at the next general election to be held in said state, for approval or rejection, to become valid as a part of said constitution if ratified by a majority of said electors,

such amendment being that Sections 22 and 23 of Article 5 relating to justices of the peace and police magistrates, and Sections 5 of Article 19 relating to courts of arbitration be repealed, and that Section 1 of Article 5 of said constitution be amended to read and provide as follows:

The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts, and such subordinate courts as the legislature may, by general law, establish and ordain from time to time.

BE IT FURTHER RESOLVED that in event this amendment is approved by the electors of the state, all presently established justice of the peace, municipal and arbitration courts shall continue in effect, and all statutes relating to or affecting such courts or appeals therefrom shall remain in force and effect until changed by future legislative action.

The following statement shall be endorsed on the foregoing proposed amendment by the Secretary of State of the State of Wyoming:

Our state constitution establishes and prescribes the jurisdiction of justice of the peace courts; also, it gives the legislature authority to establish municipal and arbitration courts. This proposed amendment, if adopted, would eliminate all such courts from the constitution and, instead, would give the legislature the authority to establish the subordinate courts it deems best suited to our modern needs and provide for their jurisdiction and manner of functioning. In the meantime, the present system would continue in effect under existing statutes until changed by the legislature.

Approved January 27, 1965.

#### ORIGINAL SENATE JOINT RESOLUTION NO. 5

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Wyoming, by amending Section 38, Article 3 thereof, relating to the investment of trust funds, and providing that the legislature may provide by law for the investment of trust funds.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING, two-thirds of all the members of each of the two houses, voting separately, concurring therein:

That the following amendment to Section 38, Article 3 of the Constitution of the State of Wyoming is proposed for submission to the electors of the State of Wyoming at the next general election to be held in the State, for approval or rejection, to become valid as a part of this constitution if ratified by a majority of these electors. The amendment is as follows:

The legislature may authorize the investment of trust funds by executors, administrators, guardians or trustees, in the bonds or stocks of private corporations, and in such other securities as it may by law provide.



The following statement shall be endorsed on the foregoing proposed amendment by the Secretary of State of the State of Wyoming.

This proposed amendment to the Constitution of the State of Wyoming would authorize the State legislature to enact laws permitting the investment of trust funds in the bonds or stocks of private corporations and in other securities.

Approved March 4, 1965

#### **ORIGINAL SENATE JOINT RESOLUTION NO. 10**

**A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Wyoming relating to a twelve mill county levy for support and maintenance of public schools.**

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING, two-thirds of all the members of each of the two houses, voting separately, concurring therein:**

That the following amendment to the Constitution of the State of Wyoming be, and the same is hereby proposed for submission to the electors of the State of Wyoming, at the next general election to be held in said State for approval or rejection, to become valid as a part of said Constitution if ratified by a majority of said electors. The amendment is as follows:

There shall be levied each year in each county of the State a tax of twelve mills on the dollar of the assessed valuation of the property in each county for the support and maintenance of the public schools. This tax shall be collected by the county treasurer and disbursed among the school districts within the county as the Legislature shall provide.

Approved March 1, 1965

#### **ORIGINAL HOUSE JOINT RESOLUTION NO. 2**

**A JOINT RESOLUTION, proposing an amendment to the Constitution of the State of Wyoming by amending Section 48, Article III, relating to the repeal of the provision for a State Census and repealing the requirement that the legislature be apportioned pursuant to State Census.**

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING, two-thirds of all members of each of the two houses, voting separately, concurring therein:**

**Section 1.** That the following amendment to the Constitution of the State of Wyoming be, and the same is, hereby proposed for submission to the electors of the State of Wyoming at the next general election to be held in said state, for approval or rejection, to become valid as part of said constitution if ratified by a majority

of such electors, such amendment being that Section 48, Article III, of said constitution be amended and read to provide as follows: The legislature at the session next following the decennial enumeration of the inhabitants of the state made by the authority of the United States, shall revise and adjust the apportionment for senators and representatives, on a basis of such enumeration according to ratios to be fixed by law.

**Section 2.** The following statement shall be endorsed on the foregoing proposed amendment by the Secretary of State of the State of Wyoming:

This proposed amendment to the Constitution repeals the present requirement for taking a State Census every tenth year and apportioning the legislature pursuant thereto. It leaves intact the present constitutional requirement apportioning the legislature by census taken by the United States.

Approved February 2, 1965.

#### ORIGINAL HOUSE JOINT RESOLUTION NO. 4

**A JOINT RESOLUTION**, proposing an amendment to the Constitution of the State of Wyoming by amending Section 49, Article III, relating to designation of Congressional Districts.

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING**, two-thirds of all members of each of the two houses, voting separately, concurring therein:

**Section 1.** That the following amendment to the Constitution of the State of Wyoming be, and the same is, hereby proposed for submission to the electors of the State of Wyoming at the next general election to be held in said state, for approval or rejection, to become valid as part of said constitution if ratified by a majority of such electors, such amendment being that Section 49, Article III, of said constitution be amended and read to provide as follows: Congressional Districts may be altered from time to time as public convenience may require. When a Congressional District shall be composed of two or more counties they shall be contiguous, and the districts as compact as may be. No county shall be divided in the formation of Congressional Districts.

**Section 2.** The following statement shall be endorsed on the foregoing proposed amendment by the Secretary of State of the State of Wyoming:

This proposed amendment to the Constitution changes the reference in Section 49, Article III, to Congressional Districts rather than Representative Districts so that it will be understood, without ambiguity, to refer to United States Congressional Districts and not to Districts for State House of Representatives.

Approved February 2, 1965.

**ORIGINAL HOUSE JOINT RESOLUTION NO. 6**

**A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Wyoming by amending Section 5 of Article 15 thereof, relating to the maximum mill levy for county revenue.**

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING**, two-thirds of all the members of each of the two houses, voting separately, concurring therein:

That the following amendment to the Constitution of the State of Wyoming be and the same is hereby proposed for submission to the electors of the State of Wyoming, at the next general election to be held in said state, for approval or rejection, to become valid as a part of said Constitution if ratified by a majority of said electors, such amendment being that Section 5 of Article 15 of said Constitution be amended to read and provide as follows:

**Section 5.** For county revenue, there shall be levied annually a tax not to exceed fifteen mills on the dollar for all purposes including general school tax, exclusive of state revenue, except for the payment of its public debt and the interest thereon. An additional tax of two dollars for each person between the ages of twenty-one years and fifty years, inclusive, shall be annually levied for county school purposes.

The following statement shall be endorsed on the foregoing proposed amendment by the Secretary of State of the State of Wyoming:

This amendment if adopted will allow the counties to compensate in revenue for a loss in valuation by increasing the mill levy to meet the rising cost in county government, allowing the counties to meet their own governmental needs.

Approved February 18, 1965

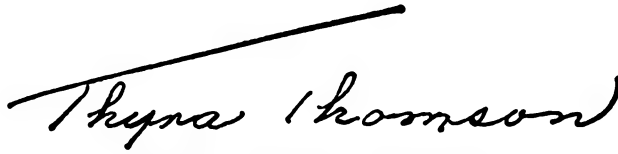
## Secretary's Certificate of Authentication

THE STATE OF WYOMING, }  
Office of the } ss  
SECRETARY OF STATE }

I, THYRA THOMSON, Secretary of State of the State of Wyoming, do hereby certify that the foregoing, being pages One to Five Hundred Twenty-two, both inclusive, is a full, true and correct copy of each and all of the Acts, Resolutions and Memorials passed by the Thirty-Eighth Legislature of the State of Wyoming, and approved by the Governor of said State, as appear of record in the Office of the Secretary of State of the State of Wyoming.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Wyoming.

Done at Cheyenne, the Capital, this Thirtieth day of March, A.D., 1965.

  
Secretary of State of Wyoming





# INDEX

## A

	Chapter No.
ABANDONMENT OF HIGHWAYS .....	7
ABANDONED VEHICLES - Proceeds from the Sale of .....	6
ACCELERATION CONTESTS ON HIGHWAY - Prohibited .....	8
ACCESS FACILITIES, UNLAWFUL DRIVING ON .....	51
ACKNOWLEDGMENTS .....	72
ADJUTANT GENERAL - Salary .....	115
ADMINISTRATIVE ASSISTANT TO GOVERNOR - Salary .....	115
ADMINISTRATIVE PROCEDURE ACT, WYOMING .....	108
ADOPTION	
Final Decree .....	11
Petition .....	39
Termination of Parental Rights .....	67
When Natural Parents Need Not Appear .....	5
ADVISORY HEALTH COUNCIL .....	58
AERONAUTICS COMMISSION	
Director's Salary .....	115
Extra-Hazardous Occupations .....	17
AGED, MEDICAL ASSISTANCE TO .....	131
AGRICULTURE COMMISSIONER - Salary .....	115
AGRICULTURE - Gasoline Tax .....	80
AIRCRAFT, FIRING AT - Prohibited .....	3
AIRCRAFT PILOTS - Extra-Hazardous Occupations .....	18
ALCOHOLIC BEVERAGES	
Bottle Clubs Prohibited .....	20
Drive-in Liquor Stores .....	49
Hours of Sale .....	21
Identification Cards .....	130
ANIMALS, CRUELTY TO .....	185
APPROPRIATIONS	
Capitol Building Commission - Purchase of	
2314 Capitol Avenue, Cheyenne .....	29
Capitol Building Commission - Planning Archives and Museum Building ....	87
Capitol Building Commission - Purchase of	
2304 Capitol Avenue, Cheyenne .....	154
Community College Commission .....	63
Court Appointed Attorneys' Fees - Biennium Ending June 30, 1967 .....	155
Court Appointed Attorneys' Fees - Emergency .....	48
Foundation Program Fund .....	114
General Expenses - Biennium Ending June 30, 1967 .....	116
Legislative Expenses, 38th Legislature .....	1
Salaries .....	115
Seventy-Fifth Anniversary Commission .....	88
State Land and Water Conservation Commission .....	173
State Library Addition .....	84
Statutes Revision Commission .....	159
Statutes Revision Commission - Insurance Law Study .....	195
Teacher Training Scholarships .....	57
Veterans Exemption Contingent .....	28
Workmen's Compensation - State Institutions .....	42
Wyoming Peace Officers' Indemnity Fund .....	41

	Chapter
<b>ARCHIVES AND HISTORICAL DEPARTMENT</b>	
Appropriation to Plan Building .....	87
Director's Salary .....	115
<b>ARMED FORCES PERSONNEL - Hunting and Fishing Licenses .....</b>	<b>147</b>
<b>ARMORY, CASPER - Conveyance to Casper Community College .....</b>	<b>56</b>
<b>ASSAULT WITH DANGEROUS WEAPON .....</b>	<b>165</b>
<b>ASSESSOR, COUNTY</b>	
Condominium Ownership .....	59
Salary .....	101
<b>ASSOCIATIONS - Condemnation of Rights-of-Way .....</b>	<b>35</b>
<b>ATTORNEY GENERAL</b>	
Salary .....	115
Wyoming Administrative Procedure Act .....	108
<b>ATTORNEYS</b>	
Bar Association Fees .....	166
Court Appointed - Fees - Biennium Ending June 30, 1967 .....	155
Court Appointed - Fees - Emergency Appropriation .....	48
Limited Power of Attorney .....	187
School Boards May Retain .....	148
<b>AUDITOR, STATE</b>	
Payment of Court Appointed Attorneys .....	48, 155
Salary .....	115
<b>AUTOPSY - Expert Witness Fees .....</b>	<b>74</b>
<b>B</b>	
<b>BALLOTS - Municipal Bond Election .....</b>	<b>145</b>
<b>BANKS</b>	
Capitol Notes .....	127
Foreign - Transacting Business .....	133
State Depositories - Collateral Security .....	77
State - Real Estate Loans .....	117
<b>BAR ASSOCIATION, WYOMING - Fees .....</b>	<b>166</b>
<b>BARS - Hours of Sale .....</b>	<b>21</b>
<b>BATTERY, ASSAULT AND - with Dangerous Weapons .....</b>	<b>165</b>
<b>BAUMAN RANCH WATER APPROPRIATION .....</b>	<b>65</b>
<b>BEER - Drive-in Liquor Stores .....</b>	<b>49</b>
<b>BIG GAME ANIMALS - License to Hunt .....</b>	<b>31, 32, 33, 184</b>
<b>BLIND ASSISTANCE - Welfare Department .....</b>	<b>90</b>
<b>BLIND PERSONS - Vending Stands .....</b>	<b>36</b>
<b>BLUE SKY LAW .....</b>	<b>160</b>
<b>BOARD OF CHARITIES AND REFORM - Secretary's Salary .....</b>	<b>115</b>
<b>BOARD OF CONTROL</b>	
Adjudication of Underground Water Rights .....	183
Bauman Ranch Appropriation .....	65
Etchevery Appropriation .....	64
Fees .....	178
Location of Water Wells .....	187
State - Change of Diversion Point .....	138
State - Water Rights - Proof of Appropriation .....	180
Supplemental Supply Water Rights .....	136
Underground Water Used in Other States .....	158

	Chapter
BOARD OF DEPOSITS - Collateral Security .....	77
BOARD OF EQUALIZATION	
Brand Inspection Mill Levy .....	43, 151
Cigarette Tax .....	95
Expenditures from Income .....	111
Gasoline Tax - Receipt, Collection, Disposition, Refunds .....	80
Gasoline Tax - Cost of Collection .....	96
Motor Carriers .....	76, 128
Registration of Bus Fleets .....	53
Revenue Department Jurisdiction .....	79
Salaries .....	115
Sales Tax .....	118
Towed Vehicle Permit .....	110
Use Tax .....	119
BOARD OF LAND COMMISSIONERS	
Maps, Plats of Federal Rights-of-Way .....	156
Meetings .....	139
Oil and Gas Leases .....	150
BOARD OF MEDICAL EXAMINERS, STATE	
License to Practice .....	176
Term .....	162
BOARD OF PSYCHOLOGIST EXAMINERS, STATE .....	
	102
BOND ELECTION, MUNICIPAL .....	
	145
BOND ISSUE - for Jail Construction - Validated .....	
	2
BONDS	
Community Colleges .....	30
General Obligation - Elections .....	144
Uniform Securities Act .....	160
University of Wyoming Construction .....	100
BOTTLE CLUBS - Prohibited .....	
	20
BRAKES, PARKING .....	
	26
BRAND INSPECTION .....	
	43, 151
BRAND INSPECTOR	
Calf Inspection .....	60
Fees .....	61
BRANDS, LIVESTOCK	
Trademarks .....	129
Recording - Fees .....	103
BREEDING CATTLE - Brucellosis Test .....	
	19
BROKER - DEALER - Uniform Securities Act .....	
	160
BROKERS, INSURANCE .....	
	172
BRUCELLOSIS .....	
	19
BUDGET ACT - Workmen's Compensation Department .....	
	105
BUDGET OFFICE, ASSISTANT - Salary .....	
	115
BUS FLEETS, REGISTRATION OF .....	
	53
BUSSES, SCHOOL - Warning Lights .....	
	50

## C

CALVES - Inspection .....	60
CAMPS - Excluded from Child Care Agency Licensing Law .....	93



	Chapter
CANDIDATES - Municipality Primary .....	16
CAPITAL NOTES - Banks May Issue .....	127
CAPITAL STOCK - Corporation Laws to Apply to Insurance Companies .....	141
CAPITOL BUILDING COMMISSION	
Appropriation - Planning Archives and Museum Building .....	87
Appropriation - Purchase of 2304 Capitol Avenue, Cheyenne .....	154
Appropriation - Purchase of 2314 Capitol Avenue, Cheyenne .....	29
Purchase of Riner Property - Capitol Improvement Fund .....	113
State Library Addition .....	84
CAPITOL IMPROVEMENT FUND .....	113
CARNAL KNOWLEDGE .....	89
CASPER ARMORY SITE .....	56
CASPER COLLEGE - Appropriation .....	63
CASPER COMMUNITY COLLEGE - Armory Site .....	56
CATTLE	
Brand Inspection Fees .....	61
Brand Recording Fees .....	103
Brands - Trademarks .....	129
Brucellosis Test .....	19
Calf Inspection .....	60
CERTIFICATE OF CONVENIENCE AND NECESSITY .....	76
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY .....	123
CHARITIES AND REFORM, BOARD OF - Secretary's Salary .....	115
CHAUFFEUR'S LICENSE	
Fees and Contents .....	109
Minimum Age .....	121
CHEMIST, STATE - Salary .....	115
CHEYENNE RIVER COMPACT - Repeal .....	157
CHILD-CARING FACILITIES .....	93
CHILDREN	
Adoption Hearing .....	5
Adoption Petition .....	39
Aid to - Welfare Department .....	90
Dependent - Workmen's Compensation .....	193
Final Adoption Decrees, Orders .....	11
Parental Tort Liability .....	73
Payment of Minor's Estate to Parent .....	40
Rape .....	89
Termination of Parental Rights .....	67
CIGARETTE EXCISE TAX .....	95
CITIES AND TOWNS	
Cigarette Tax .....	95
Code .....	112
Firemen - Collective Bargaining .....	197
Improvement Bonds .....	77
Plats of Sub-Divisions .....	196
1965 Public Securities Validation Act .....	92
Primary Elections .....	16
Public Securities - Refunding .....	91
Relinquishment of Highways to .....	7
Sales Tax .....	118
Urban Renewal .....	140
CITY EMPLOYEES - Wyoming Retirement System .....	38

	Chapter
CITY GOVERNMENT BUILDING - Vending Stands - Blind Preference .....	36
CIVIL DEFENSE, DEPUTY DIRECTOR - Salary .....	115
CLERK, COUNTY - Condominium Ownership .....	59
CLERK OF COURT	
Enforcement of Foreign Judgments .....	47
Salary .....	101
CLERK OF THE SUPREME COURT - Salary .....	115
CLUB, BOTTLE - Prohibited .....	20
COAL MINE INSPECTION DEPARTMENT - Appropriation to Wyoming Peace Officers' Indemity Fund .....	41
COCKTAIL LOUNGES - Hours of Sale .....	21
COMMISSIONER OF LABOR, STATISTICS - (See: LABOR COMMISSIONER)	
COMMISSIONER OF PUBLIC LANDS	
Bond .....	134
Duties .....	120
May Sign Lease .....	139
COMMISSIONER, COUNTY - (See: COUNTY COMMISSIONER)	
COMMISSIONER, INTERSTATE STREAMS .....	177
COMMUNITY COLLEGE COMMISSION - Budget and Audit Function .....	68
COMMUNITY COLLEGE DISTRICT	
Board Election .....	192
Enlargement .....	46
Generally .....	30
COMMUNITY COLLEGES	
Appropriation .....	63
Excluded from Municipal Budget Act .....	68
Trustees May Retain Attorneys .....	148
COMMUNITY MENTAL HEALTH CENTER .....	99
COMPACT	
Cheyenne River - Repeal .....	157
Interstate - Juveniles .....	191
COMPENSATORY FEES .....	76, 128
COMPILATION COMMISSION, WYOMING .....	179
CONDEMNATION OF RIGHT-OF-WAY .....	35
CONDEMNATION - Urban Renewal .....	140
CONDOMINIUM OWNERSHIP ACT .....	59
CONSERVATOR - Incompetents .....	135
CONTROL, BOARD OF - (See: BOARD OF CONTROL)	
CONVICT - Good Conduct Time .....	152
CORPORATIONS	
Applicability to Insurance Companies .....	142
Condemnation of Rights-of-Way .....	35
County Libraries .....	23
Foreign Banking - Transacting Business .....	133
Law Applicable to Insurance Companies .....	141
Non-Profit - Dissolution .....	164
CORONER'S HEARING - Expert Witness Fees .....	74
COTTONTAIL RABBIT - License to Hunt .....	184

	Chapter
COUNCILMAN, CITY - Primary Elections .....	16
COUNTIES	
Cigarette Tax .....	95
Community College - District Enlargement .....	46
Firemen - Collective Bargaining .....	197
Jail Construction .....	2
Lincoln and Teton - Boundaries .....	149
1965 Public Securities Validation Act .....	92
Public Securities Refunding .....	91
Relinquishment of Highways to .....	7
Sales Tax .....	118
Veterans Exemption Contingent .....	28
COUNTY AND PROSECUTING ATTORNEY	
Defend Superintendent or Water Commissioner .....	168
Salary .....	101
COUNTY ASSESSOR	
Condominium Ownership .....	59
Salary .....	101
COUNTY CLERK	
Condominium Ownership .....	59
Fees .....	106
Filing Fees .....	106
Limited Power of Attorney .....	187
Liquor Identification Cards .....	130
Public Records .....	22
Recording Abandonment, Relinquishment of Highways .....	7
Salary .....	101
Surveyor Records .....	153
COUNTY CLUBS - County Library - Corporate Certificates .....	23
COUNTY COMMISSIONER	
Brand Inspection Mill Levy .....	43, 151
Community College District Enlargement .....	46
Jail Construction .....	2
Plats of Sub-Divisions .....	196
Public Records .....	22
Salary .....	101
Surveyor Records .....	153
COUNTY EMPLOYEES - Wyoming Retirement System .....	38
COUNTY GOVERNMENT BUILDING - Vending Stands - Blind Preference ....	36
COUNTY LIBRARY BOARD .....	23
COUNTY OFFICERS - Salaries .....	101
COUNTY SURVEYOR - Records .....	153
COUNTY TREASURER	
Fees .....	106
Salary .....	101
COURTS	
Action for Minimum Wage .....	97
Adoption Petition .....	39
Appeal from Oil and Gas Supervisor or Commissioner .....	174
Appointed Attorney's Fee .....	48, 155
Bar Association Fees .....	166
Calf Inspection Violations .....	60
Clerk of District - Salary .....	101
Enforcement of Foreign Judgments .....	47
Final Decree of Adoption .....	11
Guardian for Incompetents .....	135
Interstate Compact on Juveniles .....	191
Judicial Separation .....	122

	Chapter
Jurors' Travel Allowance .....	71
Leave of Absence for Military Service - Failure to Reinstate .....	171
Limited Power of Attorney .....	187
Lis Pendens .....	125
Parental Tort Liability .....	73
Payment of Court Appointed Attorneys .....	48
Recovery of Retirement System Contributions .....	83
Salaries .....	115
Termination of Parental Rights .....	67
Trademark Violations .....	129
Transportation of Convicts to Industrial Institute .....	75
Uniform Trustees' Powers Act .....	54
Water Rights - Change of Diversion Point .....	138
When Natural Parents Need not Appear in Adoption Proceeding .....	5
Workmen's Compensation .....	193
Wyoming Administrative Procedure Act .....	108
Wyoming Fair Employment Commission .....	170
<b>CRIMES</b>	
Assault with Dangerous Weapon .....	165
County Surveyor Records .....	153
Cutting of Sheep's Ears .....	13
Drag Racing .....	8
Firing at Occupied Conveyance .....	3
Insurance Agents, Brokers .....	172
Insurer Selling Hail-Crop Insurance without Certificate of Authority .....	15
Liquor Identification Cards .....	130
Miscegenation Law Repealed .....	4
Misconduct in Office - Urban Renewal .....	140
Muzzle Loading Rifle .....	52
Operation of Bottle Club .....	20
Posing as Licensed Psychologist .....	102
Rape .....	89
Removing Mortgaged Property .....	167
Sheep Brand Inspection .....	98
Unlawful Driving on Access Facility .....	51
Violations of Cities and Towns Code .....	112
Violations of Uniform Securities Act .....	160
<b>CRUELTY TO ANIMALS</b> .....	185
<b>CUTTING OF SHEEP'S EARS, UNLAWFUL</b> .....	13
<b>D</b>	
<b>DEALER LICENSE PLATES - Expiration and Renewal</b> .....	12
<b>DELINQUENTS - Interstate Compact on Juveniles</b> .....	191
<b>DEPARTMENT OF PUBLIC WELFARE</b> .....	90
<b>DEPARTMENT OF REVENUE</b>	
Expenditures from Income .....	111
Gasoline Tax .....	96
<b>DEPUTY COUNTY OFFICIALS - Salary</b> .....	101
<b>DEPUTY MINE INSPECTOR</b> .....	94
<b>DEPUTY STATE OFFICIALS - Salaries</b> .....	115
<b>DIGEST, WYOMING - Compilation Commission</b> .....	179
<b>DIRECTORS - Corporation Laws to Apply to Insurance Companies</b> .....	141
<b>DISCRIMINATION - Wyoming Fair Employment Commission</b> .....	170
<b>DISPENSING ROOM, LIQUOR - Hours of Sale</b> .....	21
<b>DISSOLUTION OF NON-PROFIT CORPORATIONS</b> .....	164
<b>DISTRICT COURTS - (Also see: COURTS)</b>	
Salaries .....	115

	Chapter
DITCHES - Water Commissioner's Duty .....	168
DOCTORS - Venereal Disease Reports .....	37
DOGS, PREDATORY - May be killed .....	14
DORMITORY BONDS - University of Wyoming .....	81
DRAG RACING - Prohibited .....	8
DRIVE-IN LIQUOR STORES .....	49
DRIVERS' LICENSES	
Fees and Contents .....	109
Minimum Age .....	121
DRIVERS, MOTOR VEHICLE - Unlawful Driving on Access Facility .....	51

## E

EARS, SHEEP - Unlawful Cutting .....	13
EASEMENTS - Condemnation of Right-of-Way .....	35
EDUCATION	
Acceptance of Federal Aid .....	44
Appropriation to Community College Commission .....	63
Casper Armory Site .....	56
Community College District Board Election .....	192
Community College District Enlargement .....	46
Community College Districts .....	30
Foundation Program Fund .....	114
Interim Financial Program for Schools .....	190
School Boards May Retain Attorneys .....	148
School Bus Warning Lights .....	50
School District Mill Levy .....	188
School District Resources .....	189
Teacher Training Scholarships .....	57
EDUCATION, STATE BOARD OF - Acceptance of Federal Aid .....	44
ELECTIONS	
Bond - For Jail Construction - Validated .....	2
Community College District Board Election .....	192
Community College District Enlargement .....	46
Community College Districts .....	30
General Obligation - Bonds .....	144
Municipal Bond .....	145
Municipal Primaries .....	16
School District Mill Levy .....	188
EMINENT DOMAIN .....	35
EMPLOYEES, STATE - Leave of Absence for Military Service .....	171
EMPLOYER - Minimum Wage .....	97
EMPLOYERS' DISASTER REINSURANCE FUND - Appropriation for State Institution Employees .....	42
EMPLOYMENT SECURITY COMMISSION - Director's Salary .....	115
ENFORCEMENT OF FOREIGN JUDGMENTS .....	47
ENGINEER, STATE	
Change of Diversion Point .....	138
Exchange of Stored Water for Stream Flow .....	10
Fees .....	178
Interstate Streams Commission .....	177
Library of Water Resources .....	146
Location of Water Wells .....	137
Salary .....	115

	Chapter
Supplemental Supply Water Rights .....	136
Underground Water Used in Other States .....	158
Water Rights - Proof of Appropriation .....	180
Weather Modification .....	66
ENTOMOLOGIST, STATE - Salary .....	115
EQUALIZATION, STATE BOARD OF (See: BOARD OF EQUALIZATION)	
ESTATE, MINOR'S - Paid to Parent .....	40
ESTATES - Incompetents .....	135
ETCHEVERRY WATER APPROPRIATION .....	64
EXAMINER, STATE	
Bank Capital Notes .....	127
Report on Brand Inspection .....	43, 151
Salary .....	115
EXCISE TAX	
Cigarette .....	95
Sales .....	118
Use .....	119
EXPRESS COMPANIES - Taxation .....	79
EXTRA-HAZARDOUS OCCUPATIONS .....	17, 18
<b>F</b>	
FAIR EMPLOYMENT COMMISSION, WYOMING .....	170
FARM LOAN BOARD	
Administrative Expenses .....	104
Mineral Leases .....	194
Quorum .....	143
FARM MACHINERY - Tires .....	25
FEDERAL AID TO EDUCATION - Acceptance of .....	44
FEDERALLY INSURED SAVINGS AND LOAN - Gifts to Minors .....	107
FIDUCIARIES - Uniform Trustees' Powers Act .....	54
FINANCING STATEMENTS - Removing Property .....	167
FIREARMS - Muzzle Loading Rifle .....	52
FIRE MARSHAL - Salary .....	115
FIREMEN - Collective Bargaining .....	197
FIRING AT OCCUPIED CONVEYANCES - Prohibited .....	3
FISHING LICENSES - (Also see: GAME AND FISH COMMISSION)	
Complimentary .....	132
Generally .....	184
Military .....	147
FISH WARDEN, STATE - Salary .....	115
FLIGHT PERSONNEL - Extra-Hazardous Occupations .....	18
FOREIGN JUDGMENTS, ENFORCEMENT OF .....	47
FOUNDATION PROGRAM	
Appropriation .....	114
Interim Financing .....	190
School District Resources .....	189
FOX - Game and Fish - Definitions .....	45
FREEPORT ACT .....	27
FUR BEARING ANIMALS - Game and Fish - Definitions .....	45

**G****Chapter**

<b>GAME AND FISH COMMISSION</b>	
Complimentary License .....	132
Definitions .....	45
Licenses .....	184
Military Licenses .....	147
Non-Resident Moose Permits .....	31
Resident Moose Permits .....	33
Resident Mountain Sheep Permits .....	32
Salaries .....	115
<b>GAME ANIMALS, HUNTING - Muzzle Loading Rifle .....</b>	<b>52</b>
<b>GAME WARDEN, STATE - Salary .....</b>	<b>115</b>
<b>GASOLINE TAX</b>	
Receipts, Collection, Disposition, Refunds .....	80
Cost of Collection .....	96
<b>GEOLOGIST, STATE - Salary .....</b>	<b>115</b>
<b>GIFTS TO MINORS - Savings and Loan .....</b>	<b>107</b>
<b>GOOD CONVICT TIME - Prison Sentence .....</b>	<b>152</b>
<b>GOSHEN COUNTY COMMUNITY COLLEGE - Appropriation .....</b>	<b>63</b>
<b>GOVERNOR</b>	
Administrative Assistant's Salary .....	115
Interstate Streams Commissions .....	177
<b>GUARDIANSHIP - Incompetents .....</b>	<b>135</b>

**H**

<b>HAIL-CROP INSURANCE .....</b>	<b>15</b>
<b>HEALTH CERTIFICATE - Breeding Cattle, Buffalo .....</b>	<b>19</b>
<b>HEALTH, DEPARTMENT OF PUBLIC - Director's Salary .....</b>	<b>115</b>
<b>HEALTH, STATE BOARD OF</b>	
Advisory Council .....	58
Venereal Disease Report .....	37
<b>HEARINGS - Oil and Gas Conservation Commission .....</b>	<b>175</b>
<b>HIGHWAY FUND</b>	
Gasoline Tax .....	96
Towed Vehicle Permits .....	110
<b>HIGHWAY PATROL .....</b>	<b>163</b>
<b>HIGHWAYS</b>	
Abandonment, Relinquishment .....	7
Drag Racing - Prohibited .....	8
Unlawful Driving on Access Facility .....	51
<b>HIGHWAY SUPERINTENDENT - Salary .....</b>	<b>115</b>
<b>HORSES - Brand Inspection Fee .....</b>	<b>61</b>
<b>HOSPITAL</b>	
Includes Community Mental Health Center .....	99
Venereal Disease Report .....	37
<b>HUNTING - (Also see: GAME AND FISH COMMISSION)</b>	
Licenses - Complimentary .....	132
Licenses - Generally .....	184
Licenses - Military .....	147
Muzzle Loading Rifle .....	52
Non-Resident Moose Permits .....	31
Resident Moose Permits .....	33
Resident Mountain Sheep Permits .....	32
<b>HUSBAND AND WIFE - Judicial Separation .....</b>	<b>122</b>

## I

	Chapter
INCOMPETENT GUARDIANSHIP .....	135
IDENTIFICATION CARDS FOR PURCHASING LIQUOR .....	130
INDUSTRIAL ACCIDENT FUND	
Administrative Expenses .....	105
Appropriation for State Institution Employees .....	42
Workmen's Compensation Amendments .....	193
INDUSTRIAL DEVELOPMENT - Salary .....	115
INDUSTRIAL INSTITUTE, WYOMING - Transportation of Inmates .....	75
INDUSTRIAL WATER - Exchange of Stored Water for Stream Flow .....	10
INJUNCTION - Trademarks .....	129
INSTITUTION EMPLOYEES, STATE, Appropriation for Workmen's Compensation Coverage .....	42
INSTITUTIONS, STATE - Appropriation to Wyoming Peace Officers' Indemnity Fund .....	41
INSTITUTIONS - Venereal Disease Report .....	37
INSURANCE - Law Study by Statutes Revision Commission .....	195
INSURANCE COMMISSIONER	
Agents and Brokers .....	172
Hail-Crop Insurance .....	15
Securities of Life Insurance Companies .....	161
Salary .....	115
INSURANCE COMPANIES	
Business Corporation Act Provision .....	141
General Corporation Laws Applicable .....	142
INTERRACIAL MARRIAGE - Law Prohibiting - Repealed .....	4
INTERSTATE COMMERCE - Registration of Bus Fleets .....	53
INTERSTATE COMPACT ON JUVENILES .....	191
INTERSTATE LIBRARY COMPACT .....	70, 181
INTERSTATE STREAMS COMMISSIONERS .....	177
IRRIGATION - Exchange of Stored Water for Stream Flow .....	10

## J

JAILS - Construction .....	2
JUDGMENTS, ENFORCEMENT OF FOREIGN .....	47
JUDICIAL SEPARATION .....	122
JUNIOR COLLEGES	
Appropriation .....	63
Excluded from Municipal Budget Act .....	68
Trustees May Retain Attorneys .....	148
JURAT - Wyoming Acknowledgment Act .....	72
JURISDICTION - Pole Mountain .....	182
JURORS' TRAVEL ALLOWANCE .....	71
JUVENILES, INTERSTATE COMPACT ON .....	191

## K

KERR-MILLS AMENDMENTS .....	131
-----------------------------	-----



## L

	Chapter
LABORATORY, MEDICAL - Venereal Disease Report .....	37
LABOR, COMMISSIONER OF	
Publications .....	34
Salary .....	115
LABOR - Wyoming Fair Employment Commission .....	170
LAMBS - Brand Inspection .....	98
LAND AND WATER CONSERVATION COMMISSION, STATE .....	173
LAND COMMISSIONERS, BOARD OF	
(See: BOARD OF LAND COMMISSIONERS)	
LANDOWNER - Liability of - Recreation Areas .....	9
LANDS, COMMISSIONER OF PUBLIC	
Bond .....	134
Duties .....	120
May Sign Lease .....	139
Salary .....	115
LAWYERS (See: ATTORNEYS)	
LEGISLATURE	
Authorization for Use of Underground Water in Other States .....	158
Expenses - Appropriation .....	1
LIABILITY	
Landowners of Public Recreation Areas .....	9
Parents - Torts of Children .....	73
LIBRARIES, COUNTY .....	23
LIBRARY COMPACT, INTERSTATE .....	70, 181
LIBRARY, STATE - Addition .....	84
LIBRARIAN, STATE - Salary .....	115
LIBRARY OF WATER RESOURCES - Office of State Engineer .....	146
LICENSE PLATES	
Expiration and Renewal .....	12
Registration .....	24
LICENSES - Hunting and Fishing .....	184
LIFE INSURANCE - Agents and Brokers .....	172
LIFE INSURANCE COMPANIES - Securities Regulation by	
Insurance Commissioner .....	161
LIGHTING EQUIPMENT - School Busses .....	50
LIMITED POWER OF ATTORNEY .....	187
LINCOLN COUNTY - Boundary .....	149
LIQUOR COMMISSION - Director's Salary .....	115
LIQUOR - (See: ALCOHOLIC BEVERAGES)	
LIS PENDENS .....	125
LIVESTOCK AND SANITARY BOARD, WYOMING	
Brand Inspection .....	43, 151
Brand Recording Fees .....	103
Cruelty to Animals .....	185
Sheep Brand Inspection .....	98
LIVESTOCK BRAND	
Trademarks .....	129
Recording Fees .....	103

	Chapter
<b>LIVESTOCK</b>	
Brucellosis Test .....	19
Predatory Dogs May be Killed .....	14
<b>M</b>	
<b>MALT BEVERAGES - (Also see: ALCOHOLIC BEVERAGES)</b>	
Drive-in Liquor Stores .....	49
Hours of Sale .....	21
<b>MAPS, RECORDING - County Clerk .....</b>	<b>22</b>
<b>MARRIAGE</b>	
Judicial Separation .....	122
Miscegenation Law Repealed .....	4
<b>MAYOR - Primary Elections .....</b>	<b>16</b>
<b>MEDICAL ASSISTANCE TO AGED .....</b>	<b>131</b>
<b>MEDICAL EXAMINERS, STATE BOARD OF</b>	
(See: STATE BOARD OF MEDICAL EXAMINERS)	
<b>MEDICAL FACILITIES SURVEY AND CONSTRUCTION</b>	
ACT - Health Advisory Council .....	58
<b>MEDICAL REPORT</b>	
Adoption Petition .....	39
Venereal Disease .....	37
<b>MEDICINE BOW NATIONAL FOREST - Pole Mountain - Jurisdiction .....</b>	<b>182</b>
<b>MEDICINE, PRACTICE OF - License .....</b>	<b>176</b>
<b>MENTAL HEALTH CENTERS .....</b>	<b>99</b>
<b>MILITARY - Pole Mountain - Jurisdiction .....</b>	<b>182</b>
<b>MILITARY BOARD, STATE - Conveyance of Casper Armory Site .....</b>	<b>56</b>
<b>MILITARY DEPARTMENT - Salaries .....</b>	<b>115</b>
<b>MILITARY PERSONNEL - Hunting and Fishing License .....</b>	<b>147</b>
<b>MILITARY SERVICE - Leaves of Absence for</b>	
State Governmental Employees .....	171
<b>MINE INSPECTOR .....</b>	<b>94</b>
<b>MINERAL LEASES</b>	
Farm Loan Board .....	194
Generally .....	150
<b>MINERAL SUPERVISOR, STATE .....</b>	<b>174</b>
<b>MINIMUM WAGE .....</b>	<b>97</b>
<b>MINORS - (Also see: CHILDREN)</b>	
Adoption Petition .....	39
Driver's License .....	121
Parental Tort Liability .....	73
<b>MINOR'S ESTATE - Paid to Parent .....</b>	<b>40</b>
<b>MISCEGENATION - Law Repealed .....</b>	<b>4</b>
<b>MOOSE PERMITS</b>	
Non-Resident .....	31
Resident .....	33
<b>MORTGAGES - Removing Property .....</b>	<b>167</b>
<b>MOTOR CARRIER ADMINISTRATIVE FUND - Administrative</b>	
Expenses Paid From .....	111

	Chapter
<b>MOTOR CARRIERS</b>	
Definitions - Private Motor Carrier .....	55
Fees .....	76, 128
Rate and Route Change Hearings .....	123
<b>MOTOR VEHICLES</b>	
Certificate of Title .....	106
Drag Racing - Prohibited .....	8
Driver's License - Fees and Contents .....	109
Driver's License - Minimum Age .....	121
Firing at, Prohibited .....	3
Interstate Bus Registration .....	53
Parking - Brakes .....	26
Proceeds from Sale of Abandoned Vehicles .....	6
Registration .....	24
Registration - Expiration and Renewal .....	12
Sales Tax .....	118
Stud Tires .....	25
Towed Vehicle Permits .....	110
Unlawful Driving on Access Facility .....	51
Use Tax .....	119
<b>MOUNTAIN SHEEP PERMITS - Resident</b> .....	32
<b>MULES - Brand Inspection Fee</b> .....	61
<b>MUNICIPAL BOND ELECTIONS - Canvassing and Results</b> .....	145
<b>MUNICIPAL BUDGET ACT</b> .....	68
<b>MUNICIPAL CODE</b> .....	112
<b>MUNICIPAL CORPORATIONS - Condemnation of Rights-of-Way</b> .....	35
<b>MUNICIPALITIES</b>	
Primary Elections .....	16
Urban Renewal .....	140
<b>MUSEUM, STATE - Appropriation to Plan</b> .....	87
<b>MUZZLE LOADING RIFLE</b> .....	52
<b>N</b>	
<b>NATIONAL DEFENSE EDUCATION ACT - Acceptance of Funds</b> .....	44
<b>NATIONAL GUARD - State Governmental Employees Leave of Absence for Duty</b> .....	171
<b>NOMINATION PETITION - Municipal Primaries</b> .....	16
<b>NON-PROFIT CORPORATIONS - Dissolution</b> .....	164
<b>NON-RESIDENT MOOSE PERMIT</b> .....	81
<b>NORTHERN WYOMING COMMUNITY COLLEGE - Appropriation</b> .....	63
<b>NORTHWEST COMMUNITY COLLEGE - Appropriation</b> .....	63
<b>NOTARIES PUBLIC</b> .....	72
<b>O</b>	
<b>OBSTRUCTING HIGHWAYS - Prohibited</b> .....	8
<b>OIL AND GAS CONSERVATION COMMISSION - Hearing Examiners</b> .....	175
<b>OIL AND GAS LEASES</b>	
Farm Loan Board .....	194
Generally .....	150
<b>OIL AND GAS SUPERVISOR, STATE</b> .....	174
<b>OLD AGE ASSISTANCE - Welfare Department</b> .....	90

## P

PARENTAL RIGHTS, TERMINATION OF .....	Chapter 67
PARENTS	
Adoption Petition .....	39
Appearance at Adoption Proceedings .....	5
Minor's Estate Paid to .....	40
Tort Liability .....	73
PARKING BRAKES .....	26
PEACE OFFICERS' IDEMNITY FUND, WYOMING - Appropriation .....	41
PENDENCY OF THE ACTION, NOTICE OF .....	125
PENITENTIARY	
Good Conduct Time .....	152
Warden's Salary .....	115
PERSONAL PROPERTY - Parental Tort Liability .....	73
PERSONALTY IN TRANSIT .....	27
PERSONNEL DIRECTOR - Salary .....	115
PHOTOGRAPHS - Sales by Wyoming Travel Commission .....	78
PHYSICIAN	
License .....	176
Venereal Disease Reports .....	37
Witness Fees .....	74
PIONEER HUNTING AND FISHING LICENSES .....	132
PLATS OF SUB-DIVISION .....	196
POCKET SUPPLEMENTS - Wyoming Statutes - Compilation Commission .....	179
POLE MOUNTAIN - Jurisdiction .....	182
POST-MORTEM - Physician's Fees .....	74
POWER OF ATTORNEY, LIMITED .....	187
POWER CYCLE - Driver's License .....	121
PREDATORY ANIMALS - Game and Fish - Definitions .....	45
PREDATORY DOGS MAY BE KILLED .....	14
PRIMARY ELECTIONS - Municipalities .....	16
PRISON SENTENCE - Good Conduct Time .....	152
PRIVATE MOTOR CARRIER - Definition .....	55
PROBATION AND PAROLE - Salaries .....	115
PROBATION, PAROLE OFFICERS - Appropriation to Wyoming Peace Officers' Indemnity Fund .....	41
PROFESSIONAL ENGINEER - Weather Modification .....	66
PROSECUTING ATTORNEY, COUNTY - Salary .....	101
PSYCHOLOGISTS .....	102
PUBLICATIONS - Labor, Statistics .....	34
PUBLIC HEALTH, DEPARTMENT OF - Director's Salary .....	115
PUBLIC LANDS, COMMISSIONER OF	
Bond .....	134
Duties .....	120
May Sign Lease .....	139
Salary .....	115

	<b>Chapter</b>
PUBLIC RECORDS .....	22
PUBLIC SECURITIES - REFUNDING .....	91
PUBLIC SECURITIES VALIDATION ACT .....	92
PUBLIC SERVICE COMMISSION	
Expenditures from Income .....	111
Motor Carriers .....	76, 128
Rate and Route Hearings .....	123
Salaries .....	115
PUBLIC WELFARE	
Aged, Blind, Disabled Programs .....	90
Director's Salary .....	115
Medical Assistance to Aged .....	131

## Q

QUARTERMASTER, STATE - Salary .....	115
-------------------------------------	-----

## R

RACING, DRAG - Prohibited .....	8
RAILROADS - Fireguard .....	126
RAPE - Defined, Penalty .....	89
REAL ESTATE	
Condominium Ownership Act .....	59
Damage - Parental Tort Liability .....	73
Lis Pendens .....	125
Plats of Sub-Divisions .....	196
REAL ESTATE, CONVEYANCE OF - Wyoming Acknowledgment Act .....	72
REAL ESTATE LOANS - State Banks .....	117
RECORDING FEES, COUNTY .....	106
RECREATION - State Land and Water Conservation Commission .....	173
RECREATION AREAS - Landowner's Liability .....	9
REDEVELOPMENT - Urban Renewal .....	140
RED FOX - Game and Fish - Definitions .....	45
REFUNDING - Public Securities .....	91
REGISTRATION OF MOTOR VEHICLES .....	24
REINSURANCE - Hail-Crop Companies .....	15
RELINQUISHMENT OF HIGHWAYS .....	7
REMOVING MORTGAGED PROPERTY .....	167
REPORTER - District Court - Salary .....	115
RESIDENT MOOSE PERMITS .....	38
RESIDENT MOUNTAIN SHEEP PERMITS .....	32
RESERVOIRS - Water Commissioner's Duty .....	168
RETIREMENT SYSTEM, WYOMING	
Contributions .....	83
Director's Salary .....	115
Maximum Salary Covered .....	82
Persons Covered .....	38
REVENUE - Veterans Exemption Contingent .....	28

	Chapter
<b>REVENUE DEPARTMENT</b>	
Expenditures from Income .....	111
Gasoline Tax .....	96
Jurisdiction .....	79
<b>RIFLE - Muzzle Loading</b> .....	52
<b>RINER PROPERTY - Purchase by Capitol Building Commission</b> .....	113
<b>RIGHT-OF-WAY - Condemnation</b> .....	35
<b>RIGHT-OF-WAY, RAILROAD - Provide Fireguard</b> .....	126
<b>RIGHTS-OF-WAY, FEDERAL - Over State Lands</b> .....	156
<b>RULES AND REGULATIONS - Wyoming Administrative Procedure Act</b> .....	108

## S

<b>SALARIES</b> .....	115
<b>SALES TAX</b> .....	118
<b>SALES TAX EXEMPTIONS</b> .....	69
<b>SAVINGS AND LOAN - Gifts to Minors</b> .....	107
<b>SCHOLARSHIPS, TEACHER TRAINING</b> .....	57
<b>SCHOOL BOARD TRUSTEES - May Retain Attorneys</b> .....	148
<b>SCHOOL BUSES</b>	
Driver's License .....	121
Warning Lights .....	50
<b>SCHOOL DISTRICT</b>	
1965 Public Securities Validation Act .....	92
Public Securities Refunding .....	91
<b>SCHOOL DISTRICT INCOME - Income in Lieu of Taxes</b> .....	189
<b>SCHOOL DISTRICT MILL LEVY</b> .....	188
<b>SCHOOL LANDS - Oil and Gas Leases</b> .....	150
<b>SCHOOLS - (See: EDUCATION)</b>	
<b>SCHOOL TRUSTEES - Community Colleges</b> .....	30
<b>SECRETARY OF STATE</b>	
Cities and Towns Code - Filing .....	112
County Library Corporate Certificates .....	23
Distribution of Statutes, Digests .....	179
Rules and Regulations .....	108
Salary .....	115
Securities Law .....	160
Trademarks .....	129
Transmitting Utility Security Interests .....	124
<b>SECURITIES ACT, UNIFORM</b> .....	160
<b>SECURITIES - Life Insurance Companies</b> .....	161
<b>SECURITIES, PUBLIC</b>	
Refunding .....	91
Validation .....	92
<b>SECURITY INTERESTS - Removing Property</b> .....	167
<b>SEED ANALYST, STATE - Salary</b> .....	115
<b>SEVENTY-FIFTH ANNIVERSARY COMMISSION - Appropriation</b> .....	88
<b>SEWER BONDS</b> .....	144

	Chapter
<b>SHEEP</b>	
Brand Inspection .....	98
Unlawful Cutting of Ears .....	13
<b>SHERIFF, COUNTY - Salary</b> .....	101
<b>SMALL GAME ANIMALS - License to Hunt</b> .....	184
<b>SOLDIERS' AND SAILORS' HOME - Chaplain's Salary</b> .....	86
<b>SPEED CONTESTS ON HIGHWAYS - Prohibited</b> .....	8
<b>STATE ARCHIVES AND HISTORICAL DEPARTMENT</b> (See: ARCHIVES AND HISTORICAL DEPARTMENT)	
<b>STATE AUDITOR - (See: AUDITOR, STATE)</b>	
<b>STATE BANKS - Real Estate Loans</b> .....	117
<b>STATE BOARD OF CONTROL - (See: BOARD OF CONTROL)</b>	
<b>STATE BOARD OF EDUCATION - Acceptance of Federal Aid</b> .....	44
<b>STATE BOARD OF EQUALIZATION - (See: BOARD OF EQUALIZATION)</b>	
<b>STATE BOARD OF HEALTH - (See: HEALTH, STATE BOARD OF)</b>	
<b>STATE BOARD OF MEDICAL EXAMINERS - (See: BOARD OF MEDICAL EXAMINERS, STATE)</b>	
<b>STATE BOARD OF PSYCHOLOGIST EXAMINER - (See: BOARD OF PSYCHOLOGIST EXAMINERS, STATE)</b>	
<b>STATE ENGINEER - (See: ENGINEER, STATE)</b>	
<b>STATE EXAMINER - (See: EXAMINER, STATE)</b>	
<b>STATE FUND DEPOSITORIES - Collateral Security</b> .....	77
<b>STATE GEOLOGIST - Salary</b> .....	115
<b>STATE GOVERNMENT BUILDINGS - Vending Stands - Blind Preference</b> ....	36
<b>STATE HIGHWAY COMMISSION - Abandonment, Relinquishment of Highway</b> .....	7
<b>STATE HIGHWAY PATROL</b> .....	163
<b>STATE INSTITUTIONS - Appropriation to Wyoming Peace Officers' Indemnity Fund</b> .....	41
<b>STATE INSTITUTIONS' EMPLOYEES - Appropriation for Workmen's Compensation Coverage</b> .....	42
<b>STATE LAND AND WATER CONSERVATION COMMISSION</b> .....	173
<b>STATE LIBRARIAN - Salary</b> .....	115
<b>STATE LIBRARY ADDITION</b> .....	84
<b>STATE MINERAL SUPERVISOR</b> .....	174
<b>STATE MUSEUM - Appropriation to Plan</b> .....	87
<b>STATE OFFICERS</b>	
Leave of Absence for Military Service .....	171
Salaries .....	115
<b>STATE OIL AND GAS SUPERVISOR</b> .....	174
<b>STATE SOLDIERS' AND SAILORS' HOME - Chaplain's Salary</b> .....	86
<b>STATE TRAINING SCHOOL, WYOMING - Office of General Superintendent Eliminated</b> .....	85

## Chapter

STATE TREASURER - (See: TREASURER, STATE)	
STATE VETERINARIAN - (See: VETERINARIAN, STATE)	
STATUTES REVISION COMMISSION	
Appropriation .....	159
Compensation .....	169
Insurance Law Study .....	195
STATUTES, WYOMING - Compilation Commission .....	179
STATUTORY SALARIES .....	115
STOCKS	
Life Insurance Companies .....	161
Uniform Securities Act .....	160
STORED WATER - Exchange for Stream Flow .....	10
STUD TIRES - Permitted .....	25
SUIT, LAW - Lis Pendens .....	125
SUNDAY - Hours of Liquor Sale .....	21
SUPERINTENDENT OF PUBLIC INSTRUCTION - Salary .....	115
SUPERINTENDENT OF SCHOOLS, COUNTY - Salary .....	101
SUPERINTENDENT OF STATE HIGHWAY DEPARTMENT - School Busses, Warning Lights .....	50
SUPPLEMENTAL SUPPLY WATER RIGHTS .....	136
SUPPLEMENTS - Wyoming Statutes - Compilation Commission .....	179
SUPREME COURT	
Bar Association Fees .....	166
Salaries .....	115
SUPREME COURT BUILDING - Addition to State Library .....	84
SURETY BOND - Commissioner of Public Lands .....	134
SURGEON	
License .....	176
Witness Fees .....	74
SURVEYOR, COUNTY - Records .....	153

## T

TAX SITUS - Personalty in Transit .....	27
TEACHER TRAINING SCHOLARSHIPS .....	57
TETON COUNTY - Boundary .....	149
TIRES, STUD - Permitted .....	25
TORT LIABILITY - Parents .....	73
TOWED VEHICLES - Permit .....	110
TOWNS, CITIES AND - Code .....	112
TRADEMARKS .....	129
TRAILERS	
Sales Tax .....	118
Use Tax .....	119
TRAINS - Firing at, Prohibited .....	3
TRANSACTING BUSINESS - Foreign Banking Corporations .....	133



TRANSMITTING UTILITY ACT .....	124
TRANSPORTATION - Firing at, Prohibited .....	3
TRAVEL COMMISSION	
Director's Salary .....	115
Sales .....	78
TREASURER, COUNTY	
Filing Fees .....	106
Salary .....	101
TREASURER, STATE	
Capitol Improvement Fund .....	113
Expenses of Workmen's Compensation Department .....	105
Gasoline Tax .....	80
Gasoline Tax .....	96
Labor, Statistics, Publications .....	34
Salary .....	115
University of Wyoming Construction Bonds .....	100
University of Wyoming Dormitory Bonds .....	81
Veterans Exemption Contingent .....	28
Wyoming Travel Commission Sales Proceeds .....	78
TRIALS - Jurors' Travel Allowance .....	71
TRUSTEES' POWERS .....	54
TRUSTEES, SCHOOL - Community Colleges .....	30
TRUSTEES, UNIVERSITY OF WYOMING	
Construction Bonds .....	100
Dormitory Bonds .....	81

## U

UNDERGROUND WATER	
Adjudication by Board of Control .....	183
Use in Other States .....	158
Well Location .....	137
Well Permits .....	62
UNEMPLOYMENT COMPENSATION, WYOMING - Rate .....	186
UNIFORM COMMERCIAL CODE - Transmitting Utility Act .....	124
UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT .....	47
UNIFORM GIFT TO MINORS ACT - Savings and Loan .....	107
UNIFORM SECURITIES ACT .....	160
UNIFORM TRUSTEES' POWERS ACT .....	54
UNIVERSITY OF WYOMING	
Acceptance of Federal Aid .....	44
Construction Bonds .....	100
Dormitory Bonds .....	81
Salaries .....	115
URBAN RENEWAL .....	140
USE TAX .....	119
UTILITY, TRANSMITTING - Perfecting Security Interests .....	124

## V

VENDING STANDS - Blind Preference .....	86
VENEREAL DISEASE REPORTS .....	37
VETERANS EXEMPTION CONTINGENT .....	28

	Chapter
<b>VETERINARIAN, STATE</b>	
Cruelty to Animals .....	185
Salary .....	115
<b>W</b>	
<b>WAGES, MINIMUM</b> .....	97
<b>WARDEN OF PENITENTIARY - Salary</b> .....	115
<b>WAREHOUSE - Personalty in Transit</b> .....	27
<b>WATER COMMISSIONERS - Duties</b> .....	168
<b>WATER RESOURCES, DIRECTOR OF - Salary</b> .....	115
<b>WATER RESOURCES, LIBRARY OF - Office of State Engineer</b> .....	146
<b>WATER RIGHTS</b>	
Bauman Ranch Appropriation .....	65
Change of Diversion Point .....	138
Etchevery Appropriation .....	64
Exchange of Stored Water for Stream Flow .....	10
Proof of Appropriation .....	180
Supplemental Supply .....	136
<b>WATER RIGHTS, UNDERGROUND - Adjudication by Board of Control</b> .....	183
<b>WATER SYSTEM BONDS</b> .....	144
<b>WATER, UNDERGROUND - Use in Other States</b> .....	158
<b>WATER WELL</b>	
Location .....	137
Permits .....	62
<b>WEAPON, DANGEROUS OR DEADLY - Assault</b> .....	165
<b>WEAPONS</b>	
Firing at Occupied Conveyance Prohibited .....	3
Muzzle Loading Rifle .....	52
<b>WEATHER MODIFICATION</b> .....	66
<b>WELFARE, PUBLIC, DEPARTMENT OF</b>	
Aged, Blind, Disabled Program .....	90
Director's Salary .....	115
Medical Assistance to Aged .....	131
<b>WELLS, WATER - Permits to Construct</b> .....	62
<b>WESTERN WYOMING COMMUNITY COLLEGE - Appropriation</b> .....	63
<b>WHOLESALE SALE - Sales Tax Exemption</b> .....	69
<b>WOOL - Sheep Brand Inspection</b> .....	98
<b>WORKMEN'S COMPENSATION</b>	
Administrative Expenses .....	105
Appropriation for State Employees Institution .....	42
Director's Salary .....	115
Extra-Hazardous Occupations .....	17, 18
Generally .....	193
<b>WYOMING ACKNOWLEDGMENT ACT</b> .....	72
<b>WYOMING ADMINISTRATIVE PROCEDURE ACT</b> .....	108
<b>WYOMING AERONAUTICS COMMISSION - Extra-Hazardous Occupations</b> ..	17
<b>WYOMING BAR ASSOCIATION - Fees</b> .....	166
<b>WYOMING BRAND INSPECTOR</b>	
Calf Inspection .....	60
Fees .....	61

	Chapter
WYOMING COMPILATION COMMISSION .....	179
WYOMING DIGEST - Compilation Commission .....	179
WYOMING FAIR EMPLOYMENT COMMISSION .....	170
WYOMING FARM LOAN BOARD - Administrative Expenses .....	104
WYOMING INDUSTRIAL INSTITUTE - Transportation of Inmates .....	75
WYOMING LIQUOR COMMISSION - Identification Cards .....	130
WYOMING LIVESTOCK AND SANITARY BOARD	
Brand Inspection .....	43, 151
Sheep Brand Inspection .....	98
WYOMING PEACE OFFICERS' INDEMNITY FUND - Appropriation .....	41
WYOMING PENITENTIARY - Good Conduct Time .....	152
WYOMING RETIREMENT SYSTEM	
Contributions .....	83
Maximum Salary Covered .....	82
Persons Covered .....	38
WYOMING STATE LIBRARY - Establishment of Water Resources Library .....	146
WYOMING STATE TRAINING SCHOOL - Office of General	
Superintendent Eliminated .....	85
WYOMING STATUTES - Compilation Commission .....	179
WYOMING STATUTES REVISION COMMISSION - Insurance Law Study .....	195
WYOMING TRAVEL COMMISSION - Sales .....	78
WYOMING UNEMPLOYMENT COMPENSATION - Rate .....	186
WYOMING URBAN RENEWAL ACT .....	140

## LAWS AMENDED

## WYOMING STATUTES, 1957

## LAWS, 1965

## Chapter No.

1-46 .....	125
1-135 .....	71
1-196 .....	74
1-708 A as amended by Ch. 59, Sec. 4, S.L. 1963 .....	39
1-794 .....	35
1-802 .....	35
5-3 as amended by Ch. 116, Sec. 16, S.L. 1963 .....	115
5-22 (D) .....	166
5-25 as amended by Ch. 116, Sec. 17, S.L. 1963 .....	115
5-27 as amended by Ch. 116, Sec. 18, S.L. 1963 .....	115
5-83 as amended by Ch. 148, Sec. 5, S.L. 1961 .....	115
6-63 .....	89
6-70 B as amended by Ch. 47, Sec. 1, S.L. 1961 .....	165
6-149 .....	167
7-308 .....	152
7-328 as amended by Ch. 148, Sec. 6, S.L. 1961 .....	115
7-371 as amended by Ch. 148, Sec. 7, S.L. 1961 .....	115
9-2 as amended by Ch. 148, Sec. 8, S.L. 1961 .....	115
9-5 as amended by Ch. 116, Sec. 6, S.L. 1963 .....	115
9-25 as amended by Ch. 148, Sec. 9, S.L. 1961 .....	115
9-82 as amended by Ch. 148, Sec. 10, S.L. 1961 .....	115
9-91 as amended by Ch. 148, Sec. 11, S.L. 1961 .....	115
9-126 as amended by Ch. 116, Sec. 2, S.L. 1963 .....	115
9-136 as amended by Ch. 116, Sec. 13, S.L. 1961 .....	115
9-140 as amended by Ch. 116, Sec. 4, S.L. 1963 .....	115
9-141 as amended by Ch. 116, Sec. 5, 1963 .....	115
9-144 .....	178
9-153 as amended by Ch. 148, Sec. 16, S.L. 1961 .....	115
9-165 .....	115
9-171 as amended by Ch. 148, Sec. 17, S.L. 1961 .....	115
9-206 as amended by Ch. 116, Sec. 7, S.L. 1963 .....	115
9-254 as amended by Ch. 148, Sec. 19, S.L. 1961 .....	115
9-271 .....	66
9-279 as amended by Ch. 148, Sec. 20, S.L. 1961 .....	115
9-295 (3) as amended by Ch. 76, Sec. 1, S.L. 1961 .....	38
9-295 (8) as amended by Ch. 16, Sec. 1, S.L. 1959, as amended by Ch. 92, Sec. 1, S.L. 1961 .....	82
9-299 as amended by Ch. 148, Sec. 21, S.L. 1961 .....	115
9-304 as amended by Ch. 16, Sec. 1, S.L. 1963 .....	83
9-305 as amended by Ch. 16, Sec. 2, S.L. 1963 .....	83
9-403 .....	75
9-504 as amended by Ch. 116, Sec. 1, S.L. 1963 .....	115
9-526 as amended by Ch. 6, Sec. 1, as amended by Ch. 132, Sec. 1, S.L. 1959 .....	68

	Chapter
9-591 .....	77
10-15 as amended by Ch. 148, Sec. 23, S.L. 1961 .....	115
11-9 as amended by Ch. 148, Sec. 24, S.L. 1961 .....	115
11-24 as amended by Ch. 148, Sec. 25, S.L. 1961 .....	115
11-205 as amended by Ch. 148, Sec. 26, S.L. 1961 .....	115
11-270 as amended by Ch. 148, Sec. 27, S.L. 1961 .....	115
11-324 subsection 5 as amended by Ch. 46, Sec. 4, S.L. 1961 .....	103
11-334 (b) as amended by Ch. 46, Sec. 6, S.L. 1961 .....	103
11-350 as amended by Ch. 46, Sec. 9, S.L. 1961 .....	61
11-390 as amended by Ch. 46, Sec. 27, S.L. 1961 .....	43
11-390 as amended by Ch. 43, S.L. 1965 (OHB 87, HEA 29) .....	151
11-545 .....	185
11-546 .....	185
11-550 Thru 11-555 .....	185
11-557 .....	185
11-582 .....	14
11-617 .....	143
11-631 A .....	194
12-19 .....	21
12-33 (a) (b) (c) .....	130
12-40 as amended by Ch. 148, Sec. 28, S.L. 1961 .....	115
13-21 (a) as amended by Ch. 89, Sec. 1, S.L. 1963 .....	117
14-5 .....	40
14-58 .....	67
18-14 as amended by Ch. 106, Sec. 1, S.L. 1963 .....	149
18-22 .....	149
18-74 as amended by Ch. 33, Sec. 1, S.L. 1961 .....	101
18-123 as amended by Ch. 31, Sec. 1, S.L. 1961 .....	22
18-140 .....	106
18-196 .....	153
18-292 .....	2
18-312 as amended by Ch. 32, Sec. 4, S.L. 1961 .....	23
18-313 as amended by Ch. 32, Sec. 5, S.L. 1961 .....	23
19-29 (b) as amended by Ch. 148, Sec. 29, S.L. 1961 .....	115
19-49 as amended by Ch. 148, Sec. 30, S.L. 1961 .....	115
19-103 (a) as amended by Ch. 148, Sec. 31, S.L. 1961 .....	115
21-58 .....	44
21-67 (1) as amended by Ch. 193, Sec. 2, S.L. 1963 .....	190
21-68 subsection 11 as amended by Ch. 184, Sec. 1, S.L. 1959 .....	189
21-201 as amended by Ch. 217, Sec. 1, S.L. 1961 .....	188
21-353 as amended by Ch. 148, Sec. 32, S.L. 1961 .....	115
21-446 (e) as amended by Ch. 223, Sec. 3, S.L. 1961 .....	30
21-447 (c) as amended by Ch. 223, Sec. 6, S.L. 1961 .....	30
21-447 (e) as amended by Ch. 223, Sec. 6, S.L. 1961 .....	46
21-449 (a), (b), (j), (m) .....	30
22-134 .....	145

	Chapter
23-1 as amended by Ch. 89, Sec. 1, S.L. 1959 .....	184
23-1 (b) .....	184
23-1 (c) (d) .....	45
23-20 as amended by Ch. 116, Sec. 8, S.L. 1963 .....	115
23-28 as amended by Ch. 116, Sec. 9, S.L. 1963 .....	115
23-30 as amended by Ch. 116, Sec. 10, S.L. 1963 .....	115
23-67 as amended by Ch. 196, Sec. 2, S.L. 1959 .....	184
23-73 as amended by Ch. 196, Sec. 3, S.L. 1959 .....	184
23-76 .....	32
23-78 .....	33
23-79 .....	31
23-86 (A) as amended by Ch. 162, Sec. 1, S.L. 1961 .....	184
23-86 (B) as amended by Ch. 196, Sec. 1, S.L. 1959 .....	132
23-86 (C) as amended by Ch. 162, Sec. 2, S.L. 1961 .....	147
23-101 .....	52
23-101 (a) as amended by Ch. 52, S.L. 1965 (OHB 65, HEA 49) .....	184
24-33 as amended by Ch. 116, Sec. 3, S.L. 1963 .....	115
24-79 .....	51
26-2 as amended by Ch. 148, Sec. 37, S.L. 1961 .....	115
26-3 as amended by Ch. 108, Sec. 2, S.L. 1963 .....	115
26-6 .....	142
26-16 .....	141
26-66 .....	172
27-20 as amended by Ch. 116, Sec. 11, S.L. 1963 .....	115
27-28 C. IV. (i) as amended by Ch. 121, Sec. 10, S.L. 1963 .....	186
27-32 B as amended by Ch. 148, Sec. 40, S.L. 1961 .....	115
27-49 (b) II as amended by Ch. 208, Sec. 1, S.L. 1961 .....	193
27-56 as amended by Ch. 25, Sec. 1, S.L. 1963 .....	18
27-57 (A) as amended by Ch. 168, Sec. 1, S.L. 1963 .....	17
27-60 (B) as amended by Ch. 198, Sec. 6, S.L. 1959 .....	193
27-80 as amended by Ch. 204, Sec. 2, S.L. 1961 .....	193
27-81 as amended by Ch. 208, Sec. 3, S.L. 1961 .....	193
27-82 .....	193
27-85 as amended by Ch. 204, Sec. 3	
as amended by Ch. 208, Sec. 4, S.L. 1961 .....	193
27-87 as amended by Ch. 204, Sec. 4, S.L. 1961 .....	193
27-89 as amended by Ch. 208, Sec. 7, S.L. 1961 .....	193
27-93 as amended by Ch. 198, Sec. 12, S.L. 1959 .....	193
27-110 .....	193
27-113 (C) as amended by Ch. 87, Sec. 8, S.L. 1959 .....	193
27-132 as amended by Ch. 168, Sec. 4, S.L. 1963 .....	193
27-208 .....	97
27-210 .....	97
30-115 as amended by Ch. 116, Sec. 12, S.L. 1963 .....	94
30-218 (b) .....	174
30-220 as amended by Ch. 143, Sec. 1, S.L. 1961 .....	174

	Chapter
30-221 (c) as amended by Ch. 169, Sec. 1, S.L. 1963 .....	174
30-225 (a) .....	174
31-11 as amended by Ch. 152, Sec. 1, S.L. 1963 .....	163
31-19 as amended by Ch. 12, Sec. 1, S.L. 1963 .....	24
31-22 as amended by Ch. 12, Sec. 2, S.L. 1963 .....	12
31-33 as amended by Ch. 2, Sec. 1, S.L. 1961 .....	106
31-40 as amended by Ch. 185, Sec. 3, S.L. 1963 .....	106
31-196 (a) .....	50
31-202 (a) (5) .....	26
31-208 (c) .....	25
31-252 .....	121
31-253 .....	121
31-256 .....	121
31-257 .....	121
31-262 .....	121
31-268 (a) .....	109
31-268 (b) .....	109
31-270 .....	109
33-55 .....	166
33-328 .....	162
33-333 (a) as amended by Ch. 177, Sec. 1, S.L. 1963 .....	176
33-335 .....	176
33-336 .....	176
34-114 .....	196
34-129 (3) .....	107
35-24 (b) as amended by Ch. 148, Sec. 42, S.L. 1961 .....	115
35-102 .....	58
35-116 (1) B as amended by Ch. 142, Sec. 1, S.L. 1959 .....	99
35-177 .....	37
35-230 as amended by Ch. 148, Sec. 43, S.L. 1961 .....	115
35-231 as amended by Ch. 148, Sec. 44, S.L. 1961 .....	115
36-32 as amended by Ch. 116, Sec. 13, S.L. 1963 .....	115
36-33 .....	134
36-34 as amended by Ch. 164, Sec. 1, S.L. 1961 .....	120
36-43 as amended by Ch. 116, Sec. 14, S.L. 1963 .....	115
36-44 .....	134
36-74 as amended by Ch. 98, Sec. 1, S.L. 1963 .....	150
36-87 .....	139
36-211 .....	156
37-3 as amended by Ch. 23, Sec. 1, S.L. 1963 .....	115
37-131 as amended by Ch. 90, Sec. 1, as amended by Ch. 129, Sec. 1, S.L. 1963 .....	76
37-131 (p) as amended by Ch. 27, Sec. 1, S.L. 1959 .....	55
37-131 (u) .....	76
37-141 .....	123
37-146 .....	76

# SESSION LAWS OF WYOMING, 1965

551

37-154 .....	76
37-163 .....	110
37-168 as amended by Ch. 191, Sec. 1, S.L. 1963 .....	76
37-168 as amended by Ch. 76, Sec. 5, S.L. 1965 (OHB 150, HEA 61) .....	128
37-206 .....	126
39-23 as amended by Ch. 148, Sec. 49, S.L. 1961 .....	115
39-39 .....	79
39-58 as amended by Ch. 217, Sec. 2, S.L. 1961 .....	188
39-106 .....	27
39-172 .....	95
39-200 (a) as amended by Ch. 73, Sec. 1, S.L. 1963 .....	80
39-287 (f) .....	69
39-288 .....	118
39-290 as amended by Ch. 170, Sec. 1, S.L. 1961 .....	118
39-291 as amended by Ch. 84, Sec. 1 & 2, S.L. 1961 as amended by Ch. 146, Sec. 2, S.L. 1963 .....	118
39-294 .....	118
39-311 as amended by Ch. 82, Sec. 1, S.L. 1959 as amended by Ch. 144, Sec. 1 & 2, S.L. 1963 .....	119
41-42 .....	10
41-43 .....	10
41-64 .....	168
41-134 .....	137
41-156 .....	178
41-158 .....	178
41-211 .....	180
41-481 Thru 41-485 .....	177
42-2 .....	90
42-12 .....	90
42-14 .....	90
42-15 .....	90
42-28 .....	90
42-39 as amended by Ch. 148, Sec. 50, S.L. 1961 .....	115

## LAWS, 1965

SESSION LAWS, 1959	Chapter No.
Chapter 160, Section 1 .....	7
Chapter 188, Section 26 .....	144
Chapter 188, Section 28 .....	144

## LAWS, 1965

SESSION LAWS, 1961	Chapter No.
Chapter 95, Section 2 (b) .....	169
Chapter 135, Section 2 as amended by Ch. 153, Sec. 3, S.L. 1963 .....	98
Chapter 135, Section 3, as amended by Ch. 153, Sec. 4, S.L. 1963 .....	98
Chapter 235, Section 175 .....	16



SESSION LAWS, 1963	LAWS, 1965 Chapter No.
Chapter 8, Section 1 .....	15
Chapter 28, Section 3 .....	115
Chapter 28, Section 4 .....	115
Chapter 59, Section 6 .....	5
Chapter 59, Section 13 (b) .....	11
Chapter 60, Section 1 .....	19
Chapter 78, Section 4 .....	131
Chapter 115, Section 8 .....	6
Chapter 191, Sections 2 & 3 .....	76
Chapter 191, Sections 2 & 3 as amended by Ch. 76, Sec. 6 & 7, S.L. 1965 (OHB 150, HEA 61) .....	128
Chapter 193, Section 4 .....	188

SESSION LAWS, 1965	LAWS, 1965 Chapter No.
House Enrolled Act 37, Section 1 (Original House Bill No. 199) .....	181

## LAWS REPEALED

WYOMING STATUTES, 1957	LAWS, 1965 Chapter No.
1-460 thru 1-477 (Article 7, Ch. 18, Title I) .....	47
7-339 .....	191
7-340 .....	191
8-7 thru 8-10 .....	179
9-272 .....	66
9-439 .....	85
9-495 .....	86
11-368 .....	60
11-369 .....	60
11-379 as amended by Chapter 46, Sec. 24, S.L. 1961 .....	60
11-466 thru 11-476 .....	98
15-1 thru 15-739 .....	112
17-102 thru 17-117 .....	160
18-83 .....	101
18-148 .....	101
18-269 thru 18-280 .....	91
20-18 .....	4
20-19 .....	4
21-88 thru 21-99 .....	91
25-2 .....	135
25-15 .....	135
25-25 .....	135
25-31 .....	135
34-50 .....	72

	Chapter
35-73 .....	106
39-61 as amended by Ch. 217, Sec. 3, S.L. 1961 .....	188
39-178 thru 39-182 .....	79
40-1 thru 40-7 .....	129
41-145 .....	62
41-503 .....	157
41-504 .....	157

	LAWS, 1965 Chapter No.
SESSION LAWS, 1959	
Chapter 15 .....	112
Chapter 62 .....	112
Chapter 80 .....	112

	LAWS, 1965 Chapter No.
SESSION LAWS, 1961	
Chapter 59, Section 1 .....	106
Chapter 68 .....	112
Chapter 79 .....	112
Chapter 81 .....	112
Chapter 100 as amended by Ch. 2, S.L. 1964 (Special Session) .....	112
Chapter 107 .....	112
Chapter 120 .....	112
Chapter 130 .....	112
Chapter 163 .....	112

	LAWS, 1965 Chapter No.
SESSION LAWS, 1963	
Chapter 32 .....	8
Chapter 56 .....	112
Chapter 92 .....	112
Chapter 107 .....	112
Chapter 122 .....	112
Chapter 153, Section 5, (2) (E) .....	93
Chapter 155 .....	112
Chapter 190 .....	112

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11254













